

## Forensic Disability Service – second report

In 2019, the former Ombudsman investigated the administration of the Forensic Disability Service (FDS). Results of that investigation and recommendations were published in *The Forensic Disability Service Report – An investigation into the detention of people at the FDS* (the 2019 report). This 2024 report reviews the progress of the implementation of recommendations made in the 2019 report under s 52 of the *Ombudsman Act 2001*.

### The Forensic Disability Service

The FDS is a medium-security residential and treatment facility that can accommodate and provide care for up to 10 people who are subject to a Forensic Order (Disability) under the *Forensic Disability Act 2011* (the FD Act).

The FDS was established to provide services, such as improving skills related to daily living and improving insight into offending. Its aim is to rehabilitate people with an intellectual disability who are charged with criminal offences and found to be of unsound mind or unfit for trial.

The FDS is operated by the Department of Child Safety, Seniors and Disability Services (the department) (formerly the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships).

An independent statutory position of Director of Forensic Disability (the Director) is tasked with ensuring the protection of the rights of people detained to the FDS.

### What we investigated in 2024

This investigation examined:

- the FDS's current levels of compliance with the FD Act
- the implementation status of the recommendations made in the 2019 report
- whether the FDS is compliant with the *Human Rights Act 2019*, which was enacted after the 2019 report.

### What we found

The FDS has improved systems and processes by:

- reviewing policies and procedures and publishing them online or on the departmental intranet
- establishing electronic recordkeeping and keeping accurate records of decisions about the management, care and support for people detained to the FDS
- enhancing individual development plans for people detained to the FDS to have a greater focus on rehabilitation and skill development
- establishing processes for transitioning people detained to the FDS into the community.

To continue improving systems and processes, we recommend:

- expanding the recordkeeping system to allow entries to record the use of medication
- tracking program delivery to make it easy to identify and address an individual's treatment needs.

One of the most serious concerns identified in the 2019 report was the use of prolonged seclusion at the FDS. This situation continued on after the 2019 report. We welcome the department's advice that no person currently residing at the FDS is subject to ongoing seclusion on a long-term basis. It is imperative that long term seclusion of the type identified in the 2019 report never occurs again. To support this, we have recommended improvements to the FD Act.