



Surveillance

This information sheet provides guidance as to the use of surveillance and is part of a series of information sheets that have been developed to help everyone understand the Authorisation of Restrictive Practices in Funded Disability Services Policy (the Policy) that applies in Western Australia from 1 December 2020.

For further detailed information please refer to the [authorisation of restrictive practices website](#).

Surveillance and restrictive practice

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 involves tracking a person's behaviour or movement by capturing audio, visual or location data. This may include electronic monitoring of a person (such as with a global positioning system, closed circuit camera, video camera or baby monitor), line of sight supervision or other methods.

Service providers or families may contemplate using surveillance or monitoring of a person with disability for a range of reasons. Some of the most common are:

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

Surveillance and monitoring, while not restrictive practices in themselves, are often associated with environmental restraint. For example, a person may be restricted from accessing certain parts of their environment if surveillance is not in place (for example, if line of sight cannot be maintained). In this context, it is the act of preventing the person's access that is a restrictive practice (environmental restraint), not the surveillance itself. Another example of surveillance being used to facilitate environmental restraint is when a GPS is used to monitor a person's movements, so that they can be stopped by staff when going towards a particular location (e.g. a friend's house).



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Surveillance and human rights

The [United Nations Convention on the Rights of Persons with Disabilities](#) (Article 22) states that “no person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy”.

Standard One (Rights) of the [National Standards for Disability Services](#) (2013) also emphasises the fundamental right of people with disability to respect, dignity and privacy.

Undertaking the surveillance of a person with disability may be in conflict with these principles. For example, surveillance may breach a person’s reasonable expectation to privacy, and may, in some circumstances, impact on the person’s sense of dignity. Being accompanied or kept in line of sight at all times is intrusive and may restrict the person’s sense of freedom and autonomy. In some circumstances it could also be considered abusive or illegal. The act of monitoring may also influence a person’s behaviour in the absence of an explicit restrictive practice. An example of this is a person who does not go to visit an adult shop when they know they are under surveillance.

It is important to be mindful of the expectations of the general community around privacy and dignity, and make sure that the same standards are applied to people with disability. For example, an adult may reasonably expect that they will not be accompanied or monitored by others against their will. They are likely to have the opportunity to exercise their independence and autonomy as they desire and to take risks in their lives. At the same time, the community would expect a parent or carer to monitor the whereabouts of a small child very closely. 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.

Weighing risks and benefits of surveillance

Research in the area of surveillance interventions is somewhat limited, however, 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 elopement 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.



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A comprehensive functional behaviour assessment and behaviour support planning process may identify unmet needs or alternative ways to meet the person's needs, thereby reducing or eliminating the need for surveillance. If surveillance is to be used in aid of a regulated restrictive practice, Policy requirements for authorisation of regulated restrictive practices will apply. As part of the authorisation requirements, it is important that the use of the regulated restrictive practice is considered carefully in the context of the principles for the use of restrictive practice outlined in section 4.1.2 of the 'Procedure guidelines for authorisation of restrictive practices in NDIS funded disability services – Stage two' (document listed on the [restrictive practices resources](#) page under 'Policy and procedure guidelines'). Wherever possible, the person with disability should be involved in supported decision-making around the practice.

When considering the use of surveillance, it may also be helpful to consider the following questions to guide decision-making:

- 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?
- 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 alternatives are there to the use of surveillance?
- What supports could be put in place to reduce risks and avoid surveillance?

Contact information

For enquiries about the Policy, please contact the Department of Communities – authorisation of restrictive practices team:

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References

- Hayward, B., Ransley, F., & Memery, R. (2016). GPS Devices for Elopement of People With Autism and Other Developmental Disabilities: A Review of the Published Literature, *Journal of Policy and Practice in Intellectual Disabilities*, 13:1, 69–74.



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- Hayward, B. A. (2017) The arguments against camera and closed-circuit television surveillance in the homes of people with disabilities to protect from abuse and neglect, *Research and Practice in Intellectual and Developmental Disabilities*, 4:2, 121-137.

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