

POLICY NUMBER: NDIS SER DEL 12

INTENT

The Intent of this policy is to provide information, education and direction to all employees of Real Living Options Association Inc. regarding the use of restrictive practices.

DEFINITIONS

A Restrictive Practice is defined in the NDIS Act 2013 as 'any practice or intervention that has the effect of restricting the rights of freedom of movement of a person with a disability'.

There are five (5) restrictive practices that are subject to regulation and oversight by the NDIS Quality and Safeguards Commission:

Seclusion: "sole confinement of a person with disability in a room or a physical space at any hour of the day or night where voluntary exit is prevented, or not facilitated, or it is implied that voluntary exit is not permitted".

Chemical Restraint: 'the use of medication or chemical substance for the primary purpose of influencing a person's behaviour. It does not include the use of medication prescribed by a medical practitioner for the treatment of, or to enable treatment of, a diagnosed mental disorder, a physical illness or a physical condition'.

Environmental Restraint: "environmental restraint, which restricts a person's free access to all parts of their environment, including items or activities".

Mechanical Restraint: "the use of a device to prevent, restrict, or subdue a person's movement for the primary purpose of influencing a person's behaviour but does not include the use of devices for therapeutic or non-behavioural purpose".

Physical Restraint: "the use or action of physical force to prevent, restrict or subdue movement of a person's body, or part of their body, for the primary purpose of influencing their behaviour. Physical restraint does not include the use of a hands-on technique in a reflexive way to guide or redirect a person away from potential harm/injury, consistent with what could reasonably be considered the exercise of care towards a person".

POLICY STATEMENTS

- Consistent with a Positive Behaviour Support Framework and the NDIS Act 2013, regulated restrictive practices should only be used as a last resort in response to the risk of harm and only for the shortest time possible.
- Real Living Options Association Inc. will comply with the requirements of the National Disability Insurance Scheme Act 2013 to safeguard the rights of adults with a cognitive or intellectual disability who have identified "challenging behaviours" and where restrictive practices may be required to manage their behaviour.
- Real Living Options Association Inc. is committed to the reduction and elimination of restrictive practices.
- If the Service considers it is necessary to use restrictive practices, it must do so consistent with the NDIS Quality and Safeguards Commission, relevant legislation and the Regulated Restrictive Practices Guide.

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- Any use of a regulated practice without authorisation is deemed as a reportable incident and as such must be reported to the Quality and Safeguards Commission as per Policy GOV 17 Incident Management (Including Reportable Incidents) and Policy SER DEL 31 Regulated Restrictive Practices.

PROCEDURES

- Employees of Real Living Options Association Inc. will be provided guidelines and training so that they know what is considered a restrictive practice' and must report any need for the use of restrictive practices to the Support Manager or General Manager.
- Where a Participant has been identified as requiring the use of restrictive practices the Service's policy SER DEL 31 Regulated Restrictive Practices will apply.
- Real Living Options Association Inc. acknowledges that support is often provided to a Participant in the family home and that families are not subject to the same rules related to restrictive practices that the Service must adhere to. Where a Lifestyle Assistant is asked by a family member to use a restrictive practice, they are required to inform the family of the policy of the Service on the use on Restrictive Practices and advise that they are not able to undertake this request.

DELEGATIONS

Management Committee

To ensure as far as practicable that the Service complies with the current legislation on Restrictive Practices.

General Manager

Ensure as far as practicable that:

- Appropriate assessment is carried out.
- The appropriate procedures are followed.
- The use of any authorised or unauthorised regulated restrictive practice is reported to the Quality and Safeguards Commission using the appropriate method.

Support Manager

Ensure as far as practicable that:

- Appropriate assessment is carried out.
- The appropriate procedures are followed.
- The use of any regulated restrictive practice is appropriately authorised and reported to the Service.
- The use of any authorised or unauthorised restrictive practice is reported to the Quality and Safeguards Commission using the appropriate method.

Lifestyle Assistants

Ensure as far as practicable that:

- The appropriate procedures are followed
- The use of any authorised or unauthorised restrictive practices are reported back to the Service using the appropriate method.

RELATED DOCUMENTS

Policy GOV 17 Incident Management (Including Reportable Incidents)

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Policy SER DEL 31 Regulated Restrictive Practices

REFERENCES

National Disability Insurance Scheme Act 2013
Regulated Restrictive Practices Guide
National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018
National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018
National Disability Insurance Scheme (Incident Management and Reportable Incident) Rules 2018
NDIS Code of Conduct
Disability Services Act 2006

AMENDMENTS/REVIEWS

Amended 11.10.12, Amended 05.05.16, Amended 23.09.21, Amended 06.06.24, Amended 03.10.24

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