

POLICY NUMBER: NDIS SER DEL 31

INTENT

The intent of this policy to ensure as far as practicable that Real Living Options Association Inc. employees who support participants with a Behaviour Support Plan understand all processes relating to the legislative requirements under the NDIS Positive Behaviour Support Capability Framework, the NDIS (Restrictive Practices and Behaviour Support) Rules 2018, the Disability Services Act 2006 and the Guardianship and Administration Act 2000.

DEFINITION

Regulated Restrictive Practices – A restrictive practice is a *regulated restrictive practice* if it is or involves any of the following:

- (a) **seclusion**, which is the 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.
- (b) **chemical restraint**, which is 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.
- (c) **mechanical restraint**, which is 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 purposes.
- (d) **physical restraint**, which is 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.
- (e) **environmental restraint**, which restrict a person's free access to all parts of their environment, including items or activities.

Behaviour Support - Behaviour support is about creating individualised strategies for people with a disability that are responsive to the person's needs, in a way that reduces and eliminates the need for the use of regulated restrictive practices.

Restrictive Practices - are 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'.

POLICY STATEMENTS

- All Real Living Options Association Inc. employees who work with participants with a Positive Behaviour Support Plan will be given training to understand and respond to the

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requirements listed in the NDIS (Restrictive Practices and Behaviour Support) Rules 2018.

- All employees will also comply with the Queensland State Government and the NDIS Commission's authorisation and reporting requirements.
- Real Living Options Association Inc. will follow the requirements of both the NDIS Commission and Queensland State Government legislation.
- The Specialist Behaviour Support Provider is responsible for creating the Behaviour Support Plan and lodging this with the NDIS Commission. Real Living Options Association Inc. will access and activate the plan.
- As an implementing provider, Real Living Options Association Inc. will seek approval to use regulated restrictive practices via either Queensland's Civil and Administrative Tribunal (QCAT) or the Department of Communities, Disability Services and Seniors. Real Living Options Association Inc. will provide both parties with required monthly reports.
- Approval requests lodged via the Department of Communities, Disability Services and Seniors Online Data Collection (ODC) System also need to be registered with the NDIS Commission.
- Relevant employees will implement, document, and report compliant with regulated restrictive practices legislative requirements.
- Relevant employees will work with Behaviour Support Practitioners to evaluate the approaches' effectiveness and implement strategies to reduce and eliminate restrictive practices.
- The Specialist Behaviour Clinical Supervisor will be engaged to provide training and guidance to employees involved in implementing a Positive Behaviour Support Plan. All implementing employees must maintain appropriate skills to use restrictive practices and appropriately support the Participant and other stakeholders.

PROCEDURES

- A Short-Term Approval (STA) provides time-limited authority to use a restrictive practice. The Queensland Government will only issue Short Term Approval to use a restrictive practice for a maximum of six months, while the organisation arranges for:
 - An assessment of the Participant
 - Development of a positive behaviour support plan by a specialist behaviour support practitioner
 - The plan's authorisation under the full legislative scheme.
- The necessary governing body for a Short-Term Approval for a restrictive practice will depend on:
 - The type of restrictive practice
 - What, if any, guardian appointments, restrictive practice approvals or consent are already in place
 - Whether the participant is receiving general disability services or respite or community access services.

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- The management team at Real Living Options Association Inc. will:
 - Identify if Real Living Options Association Inc are using a restrictive practice that requires approval.
 - Obtain short term approval from Queensland's Office of the Public Guardian for **containment and seclusion** by completing the application form.
 - Obtain short term approval **for all other restrictive practices** from the Department of Communities, Disability Services and Seniors (DCDSS) Regional Positive Behaviour Support and Restrictive Practices delegate by completing and submitting the DCDSS Short Term Approval Form.
 - Notify the DCDSS of all approvals received, including Short Term Approvals and Positive Behaviour Support Plan approvals via their Online Data Collection System.

Short Term Approval authorisation process

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Authorising body	Restrictive practice type
Office of the Public Guardian	• Containment and seclusion
Department of Communities, Disability Services and Seniors	• Chemical restraint • Mechanical restraint • Physical restraint • Restricting access to objects

STA Authorisation

Obtain **containment** and **seclusion** authorisation for Short Term Approval (STA) from Office of the Public Guardian

Obtain authorisation for a restrictive practice **that does not include containment and seclusion** from the Chief Executive of the Department of Communities, Disability Services and Seniors (DCDSS)

STA Consent Approval

DCDSS must be notified of the authorisation of a restrictive practice within 14 days - using the Online Data Collection System (ODC)

Where required, an application to appoint a guardian for a restrictive practice is made through Queensland Civil and Administrative Tribunal (QCAT)

Assessments must be undertaken prior to plan development, e.g. functional, clinical.

BSP developed by SBSP with conditions to be attached to the Plan.

Lodge the Positive BSP

Once authorisation received from Queensland Government, the SBSP will lodge the BSP through NDIS Online Portal

Real Living Options Association Inc. will log into the NDIS Online Portal and activate the plan and upload evidence of authorisation.

Implementing and monthly reporting

Real Living Options Association Inc. will use regulated restrictive as per positive BSP's.

Real Living Options Association Inc. will report monthly via the NDIS Portal

Real Living Options Association Inc. will report monthly to DCDSS via the ODC Portal

Real Living Options Association Inc. report to both NDIS and DCDSS

Authorising Body based on Restrictive Practices Type:

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- Behaviour Support Plans and the use of restrictive practices require Real Living Options Association Inc. to have transparent responsibilities and ensure that all clinicians are aware of their obligations. The collaborative approach that the Service undertakes with the Specialist Behaviour Support Provider requires employees to:
 - Communicate with the Specialist Behaviour Support Provider on the current approach.
 - Record data on the current approach.
 - Provide feedback on the current approach.
 - Work with the Specialist Behaviour Support Provider to evaluate the current approach.
- If the Service doubts whether a practice constitutes a regulated restrictive practice, the Support Manager or Senior Support Facilitator will consult with the Specialist Behaviour Clinical Supervisor in the first instance and then contact the NDIS Commission if necessary.

DELEGATIONS

Management Committee

The Management Committee is responsible for ensuring as far as practicable that:

- The Organisation adheres to all relevant legislation.
- The Organisation has the resources to meet its legislative requirements in relation to Regulated Restrictive Practices.

General Manager

The General Manager is responsible for ensuring as far as practicable that:

- The Organisation adheres to all reporting requirements in relation to the use of restrictive practices.
- All employees have training to understand what restrictive practices are.
- Relevant employees are provided with training specific to a Participants Behaviour Support Plan.
- The use of any restrictive practices is reported to the Quality and Safeguards Commission and the Department of Communities, Disability Services and Seniors.
- The use of any restrictive practices is reported to the Management Committee.

Support Manager

The Support Manager is responsible for ensuring as far as practicable that:

- All employees are provided training to understand what restrictive practices are.
- Relevant employees are provided with training specific to a Participants Behaviour Support Plan.
- The use of any restrictive practices has been reported to the Quality and Safeguards Commission and the Department of Communities, Disability Services and Seniors.
- The use of any restrictive practices is reported to the General Manager.

Senior Support Facilitator

The Senior Support Facilitator is responsible for ensuring as far as practicable that:

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- A registered Behaviour Support Practitioner has been engaged to work with a Participant to develop a Behaviour Support Plan.
- The Lifestyle Assistants who support the Participants are engaged in the process of data collection as required by the Behaviour Support Practitioner.
- Team meetings and training is provided to the relevant Lifestyle Assistants.
- Information and feedback is provided to the Positive Behaviour Support Practitioner as requested.
- The use of any restrictive practice is reported to the Quality and Safeguards Commission Department of Communities, Disability Services and Seniors.

Relevant Employees

- Attend training and team meetings as required.
- Report the use of any restrictive practices to the Senior Support Facilitator or Support Manager.
- Follow the Participants Behaviour Support Plan when providing support and assistance.

RELATED DOCUMENTATION

DCDSS Short Term Approval Application Form (QLD)
OPG Short Term Approval Application Form (QLD)
OPG Restrictive Practices Decision Making Framework (QLD)
QLD Government Restrictive Practice Requirements (QLD)
QCAT Health Professional Report - QLD
Behaviour Log
Data Collection Summary
Support Plan
Behaviour Support Plan and Functional Behaviour Assessment
Individual Risk Profile Assessment Form
NDIS Interim Support Plan
NDIS Comprehensive Behaviour Support Plan

REFERENCES

Disability Services Act 2006 (QLD)
Guardianship and Administration Act 2000 (QLD)
Mental Health Act 2000 (QLD)
NDIS Positive Behaviour Support Capability Framework
NDIS (Restrictive Practices and Behaviour Support) Rules 2018
Department of Communities, Disability Services and Seniors Procedure Restrictive Practice Short Term Approval
Department of Communities, Disability Services and Seniors - Queensland State Restrictive Practice Requirements
Office of the Public Guardianship Restrictive Practices Decision-Making Framework

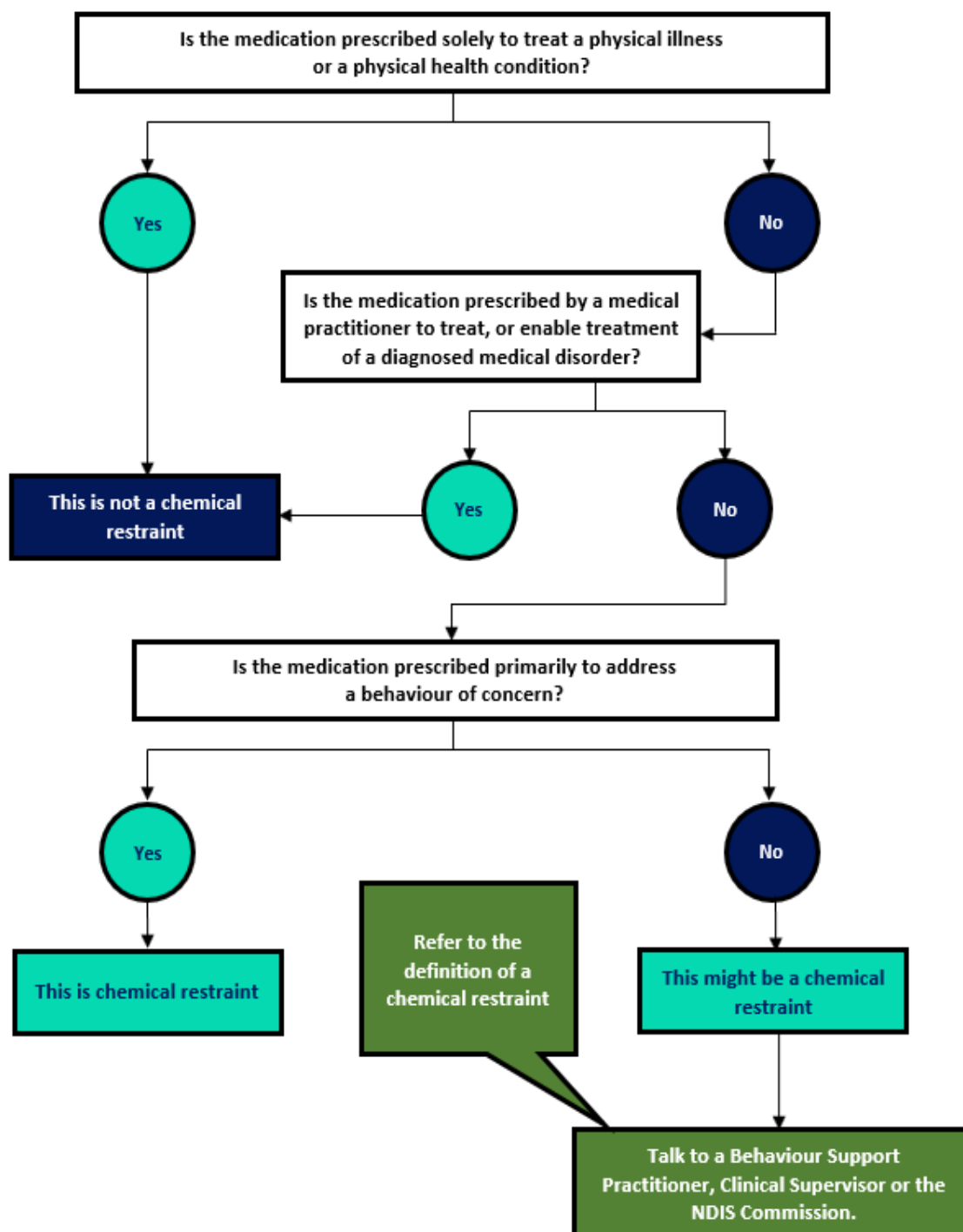
AMENDMENTS/REVIEWS

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Appendix 1. Restrictive Practice Decision Trees

Chemical Restraint Decision Tree

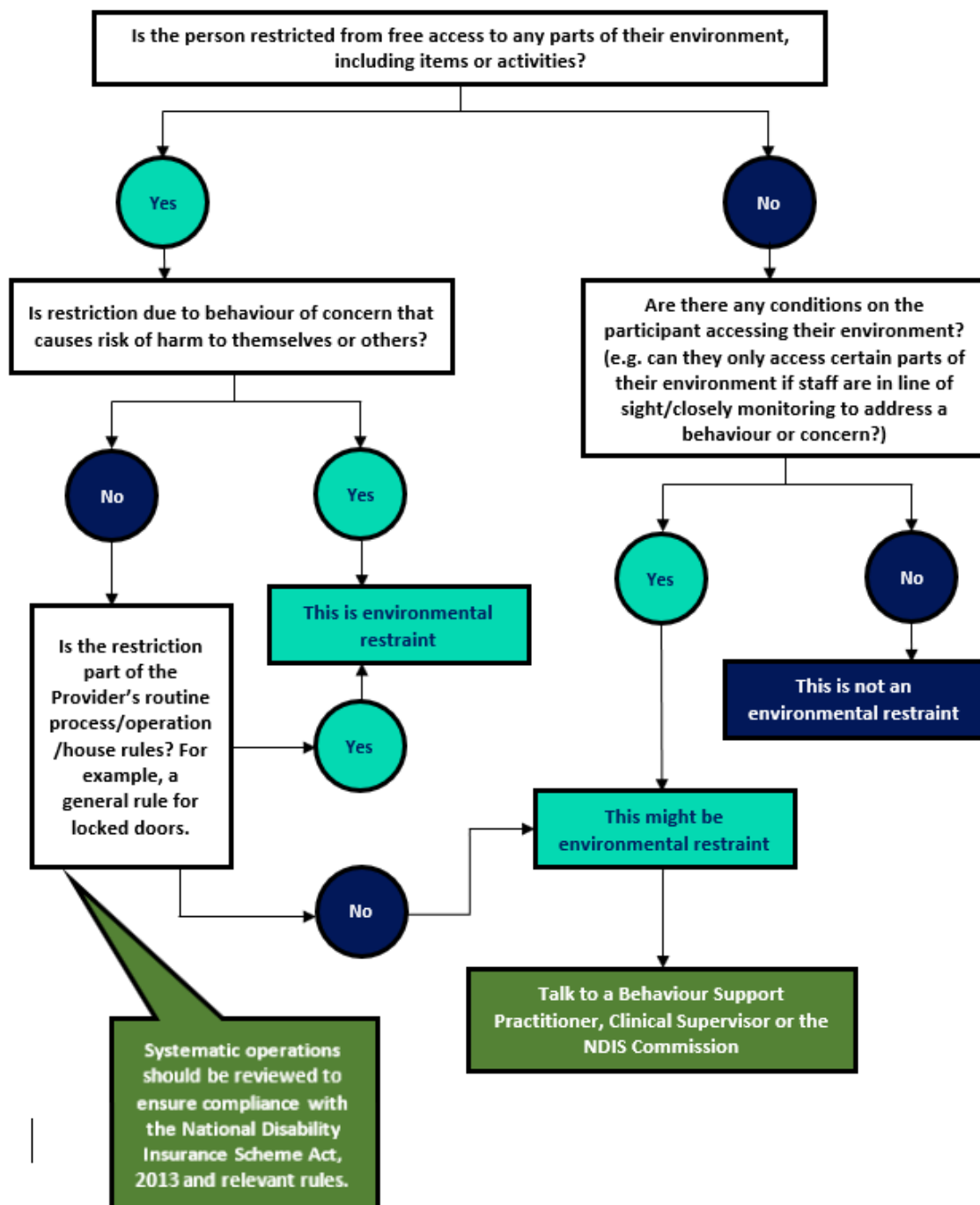
This tool aims to guide whether a practice could be a form of chemical restraint.



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Environmental Restraint Decision Tree

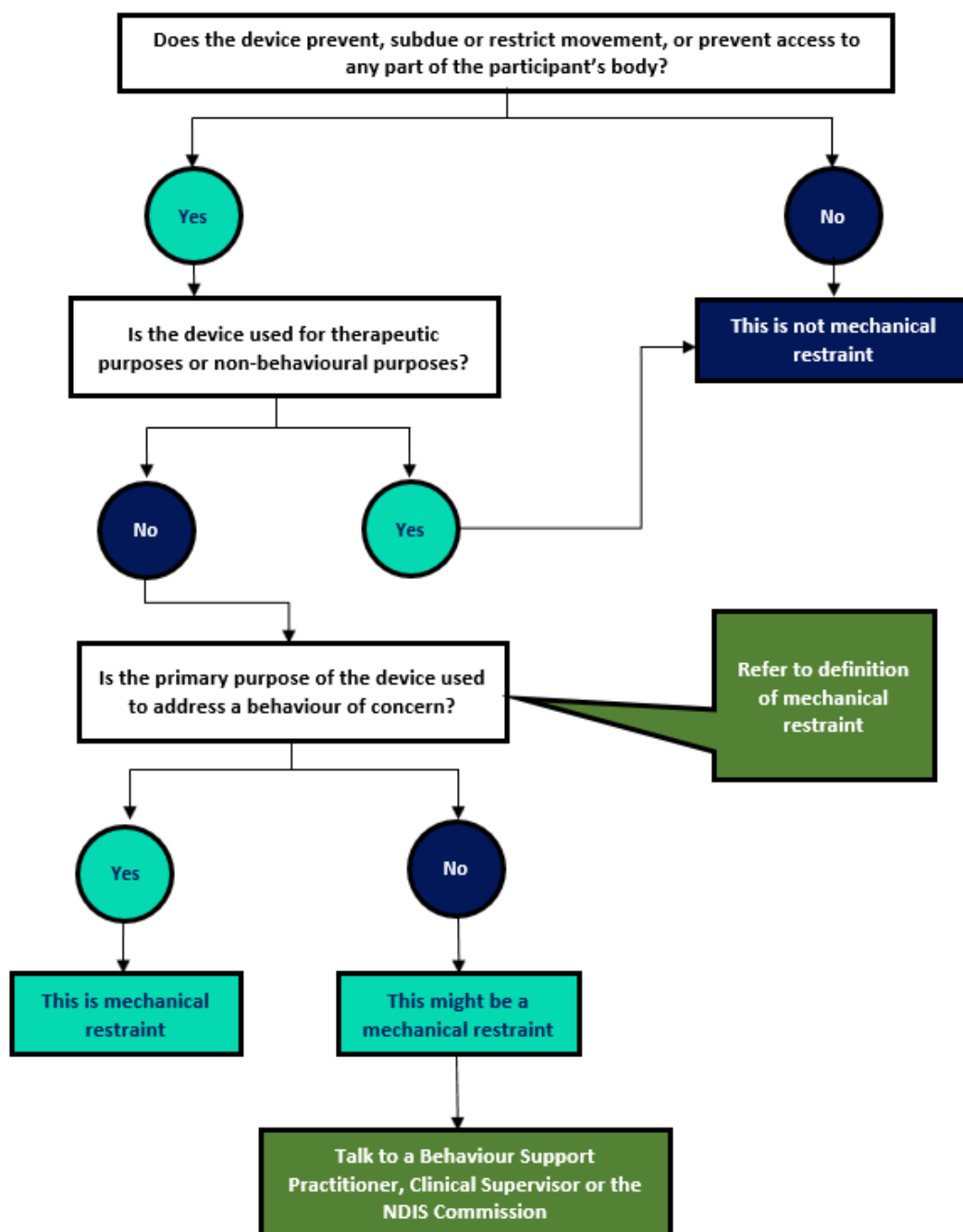
This tool aims to support decision-making and guide whether a practice could be a form of environmental restraint.



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Mechanical Restraint Decision Tree

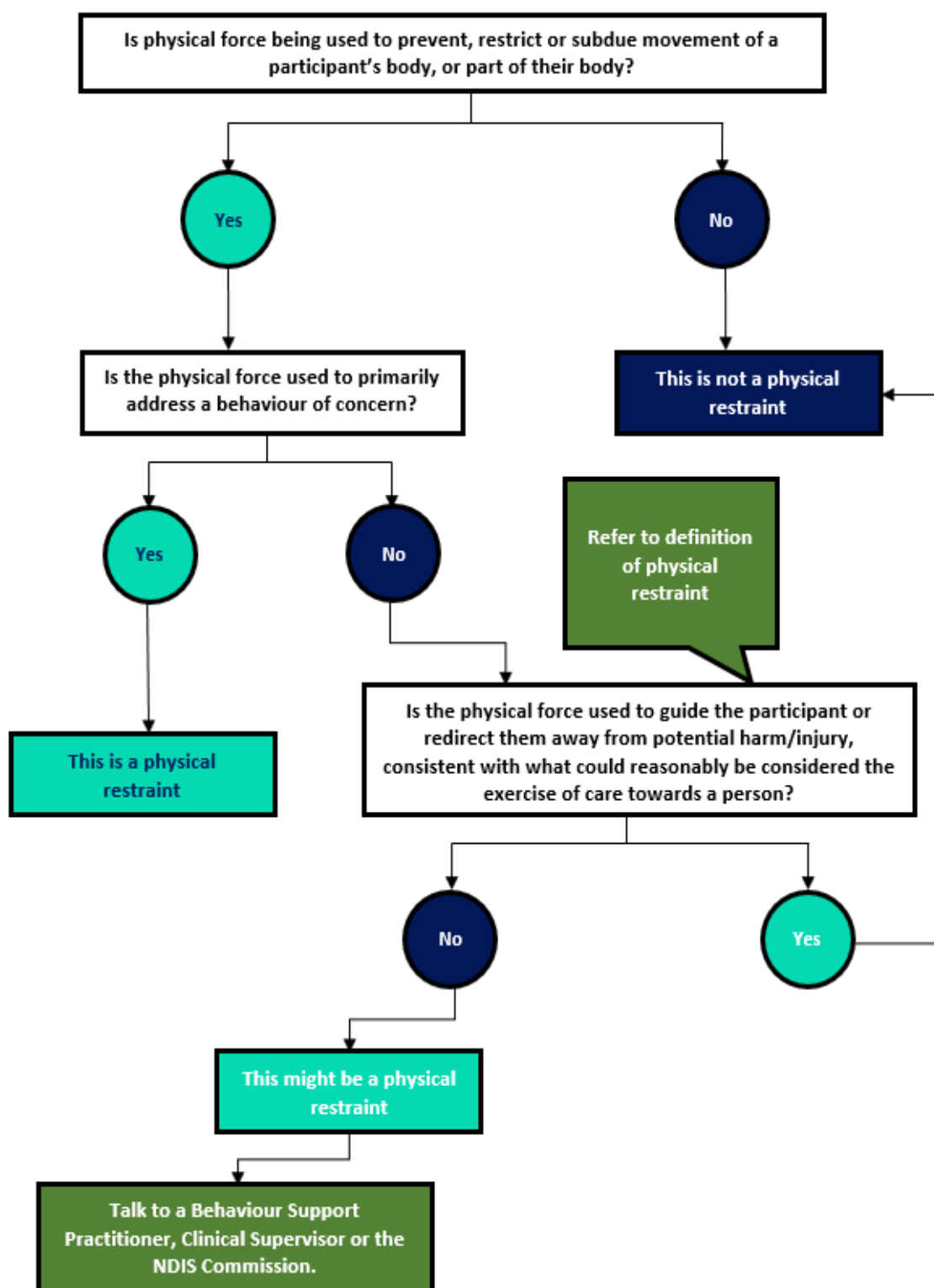
This tool aims to support decision-making and guide whether a practice could be a form of mechanical restraint.



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Physical Restraint Decision Tree

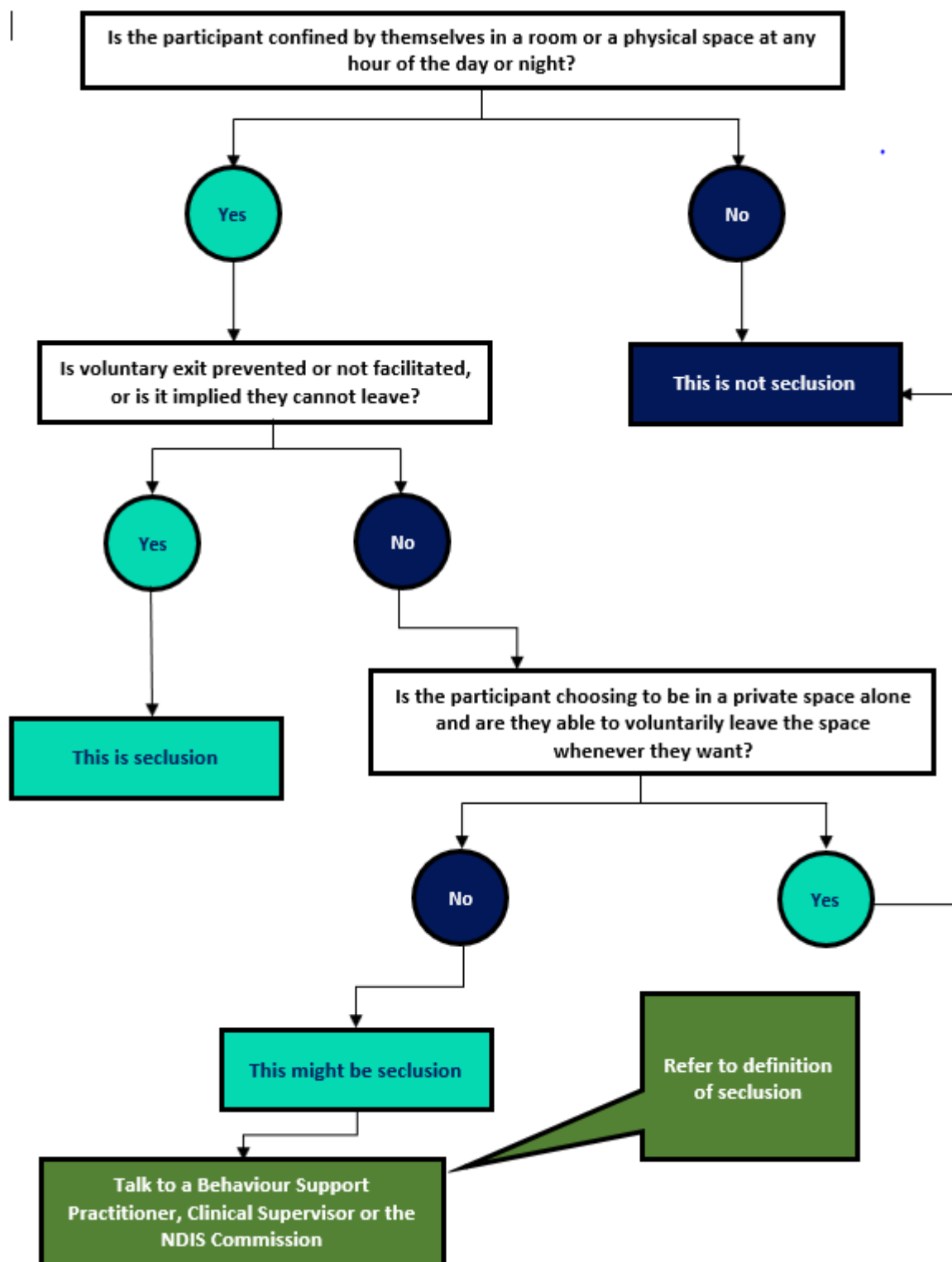
This tool aims to support decision-making and guide whether a practice could be a form of physical restraint.



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Seclusion Decision Tree

This tool aims to support decision-making and provide guidance on whether a practice constitutes seclusion.



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