

THE USE OF RESTRICTIVE PRACTICES POLICY AND PROCEDURE

Purpose and Scope

In the past, restrictive practices were often used as a first response to behaviours that caused significant harm to a person or others. It is now recognised that restrictive practices can represent serious human rights infringements.

The purpose of this policy and procedure is to ensure the safety of the participants in Empowered Community Service's care, support the delivery of high quality services to participants by improving their quality of life and reducing or eliminating behaviours of concern, minimise and prevent any physical harm within the service, and ensure restrictive practices are only used in accordance with this document and relevant legislation.

It applies to all potential and existing participants who may receive restricted practices and their family members, carers and other supporters, as well as all staff of Empowered Community Services. It meets relevant legislation, regulations and Standards as set out in Schedule 1, Legislative References.

Applicable NDIS Practice Standards

Implementing Behaviour Support Plans – Behaviour Support in the NDIS

Outcome

Each participant accesses behaviour support that is appropriate to their needs which incorporates evidence-informed practice and complies with relevant legislation and policy frameworks

Indicators

- Knowledge and understanding of the NDIS and state and territory behaviour support legislation and policy frameworks.
- Demonstrated appropriate knowledge and understanding of evidence-informed practice approaches to behaviour support.
- Demonstrated commitment to reducing and eliminating restrictive practices through policies, procedures and practices.

Implementing Behaviour Support Plans – Regulated Restrictive Practices

Outcome

Each participant is only subject to a regulated restrictive practice that meets any state and territory authorisation (however described) requirements and the relevant requirements and safeguards outlined in Commonwealth legislation and policy.

Indicators

- Knowledge and understanding of regulated restrictive practices as described in the *National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018* and knowledge and understanding of any relevant state or territory legislation and/or policy requirements and processes for obtaining authorisation

(however described) for the use of any regulated restrictive practices included in a behaviour support plan.

- Where state or territory legislation and/or policy requires authorisation (however described) to, the use of a regulated restrictive practice, such authorisation is obtained, and evidence submitted.
- Regulated restrictive practices are only used in accordance with a behaviour support plan and all the requirements as prescribed in the *National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018*. Regulated restrictive practices are implemented, documented and reported in a way that is compliant with relevant legislation and/or policy requirements.
- Work is undertaken with specialist behaviour support providers to evaluate the effectiveness of current approaches aimed at reducing and eliminating restrictive practices, including the implementation of strategies in the behaviour support plan.
- Workers maintain the skills required to use restrictive practices and support the participant and other stakeholders to understand the risks associated with the use of restrictive practices.

Implementing Behaviour Support Plans – Supporting the Assessment and Development of Behaviour Support Plans

Outcome

Each participant's quality of life is maintained and improved by tailored, evidence-informed behaviour support plans that are response to their needs.

Indicators

- The specialist behaviour support provider is supported to gather information for the functional behavioural assessment and other relevant assessments.
- Collaboration occurs with the specialist behaviour support provider to develop each participant's behaviour support plan and the clear identification of key responsibilities in implementing and reviewing the plan.
- Relevant workers have the necessary skills to inform the development of the participant's behaviour support plan.
- Relevant workers have access to appropriate training to enhance their skills in, and knowledge of, positive behaviour supports and restrictive practices.

Implementing Behaviour Support Plans – Behaviour Support Plan Implementation

Outcome

Each participant's behaviour support plan is implemented effectively to meet the participant's behaviour support needs.

Indicators

- Policies and procedures that support the implementation of behaviour support plans are developed and maintained.

- Work is actively undertaken with the specialist behaviour support providers to implement each participant's behaviour support plan and to align support delivery with evidence-informed practice and positive behaviour support.
- Workers are supported to develop and maintain the skills required to consistently implement the strategies in each participant's behaviour support plan consistent with the behaviour support skills descriptor.
- Specialist behaviour support providers are supported to train the workers of the providers implementing behaviour support plans in the use and monitoring of behaviour support strategies in the behaviour support plan, including positive behaviour support.
- Workers receive training in the safe use of restrictive practices.
- Collaboration is undertaken with other providers that work with the participant to implement strategies in the participant's behaviour support plan.
- Performance management ensures that workers are implementing strategies in the participant's behaviour support plan appropriately.

Implementing Behaviour Support Plans – Monitoring and Reporting the Use of Regulated Restrictive Practices

Outcome

Each participant is only subject to a restrictive practice that is reported to the Commission.

Indicators

- Demonstrated compliance with monthly online reporting requirements in relation to the use of regulated restrictive practices, as prescribed in the *National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018*.
- Data is monitored to identify actions for improving outcomes.
- Data is used to provide feedback to workers, and with the participant's consent, their support network, and their specialist behaviour support provider about the implementation of the behaviour support plan to inform the reduction and elimination of restrictive practices.

Implementing Behaviour Support Plans – Behaviour Support Plan Review

Outcome

Each participant has a current behaviour support plan that reflects their needs, and works towards improving their quality of life, reducing behaviours of concern, and reducing and eliminating the use of restrictive practices.

Indicators

- The implementation of the participant's behaviour support plan is monitored through a combination of formal and informal approaches, including through feedback from the

participant, team meetings, data collection and record keeping, other feedback and supervision.

- Information is recorded and data is collected as required by the specialist behaviour support provider and as prescribed in the *National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018*.
- Identification of circumstances where the participant's needs, situation or progress create a need for more frequent review, including if the participant's behaviour changes.
- Contributions are made to the reviews of the strategies in a participant's behaviour support plan, with the primary focus of reducing or eliminating restrictive practices based on observed progress or positive changes in the participant's situation.

Implementing Behaviour Support Plans – Reportable Incidents involving the Use of a Restrictive Practice

Outcome

Each participant that is subject to an emergency or unauthorised use of a restrictive practice has the use of that practice reported and reviewed.

Indicators

- The participant's immediate referral to, and assessment by a medical practitioner (where appropriate) is supported following an incident.
- Collaboration is undertaken with mainstream service providers, such as police and/or other emergency services, mental health and emergency department, treating medical practitioners and other allied health clinicians, in responding to the unauthorised use of a restrictive practice.
- The Commissioner is notified of all reportable incidents involving the use of an unauthorised restrictive practice in accordance with the *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018*.
- Where an unauthorised restrictive practice has been used, the workers and management of providers implementing behaviour support plans engage in debriefing to identify areas for improvement and to inform further action. The outcomes of the debriefing are documented.
- Based on the review of incidents, the supports to the participant are adjusted, and where appropriate, the engagement of a specialist behaviour support provider is facilitated to develop or review the participant's behaviour support plan or interim behaviour support plan, if required, in accordance with the *National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018*.
- Authorisation processes (however described) are initiated as required by their jurisdiction.
- The participant, and with the participant's consent, their support network and other stakeholders as appropriate, are included in the review of incidents.

Implementing Behaviour Support Plans – Interim Behaviour Support Plans

Outcome

Each participant with an immediate need for a behaviour support plan receives an interim behaviour support plan based on evidence-informed practice, which minimises the risk to the participant and others.

Indicators

- Collaboration is undertaken with mainstream service providers (such as police and/or other emergency services, mental health and emergency department, treating medication practitioners and other allied health clinicians) in contributing to an interim behaviour support plan developed by a specialist behaviour support provider.
- Work is undertaken with the specialist behaviour support provider to support the development of the interim behaviour support plan.
- Workers are supported and facilitated to receive training in the implementation of the interim behaviour support plan.

Definitions¹

Behaviours of Concern – behaviours that, due to their intensity, frequency or duration, threaten a person’s quality of life, and/or the safety of themselves or others, impacts on their capacity to engage in daily life, limits the building of relationships and opportunities, and will likely require restrictive responses.

Behaviour Support Plan – a document developed for a person with a disability by an NDIS behaviour support practitioner that specifies a range of evidence-based and person-centred, proactive strategies that focus on the individual needs of the participant. This includes positive behaviour support to build on the person’s strengths and increase their opportunities to participate in community activities and develop new skills. It also includes any restrictive practices that may be required, subject to conditions. Behaviour support plans are developed in consultation with the participant, their family, carers, guardian, and other relevant people, as well as the service providers who will be implementing the plan. Behaviour support plans include Comprehensive Behaviour Support Plans and Interim Behaviour Support Plans.

Behaviour Support Practitioner – a person the NDIS Commissioner considers suitable to undertake behaviour support assessments (including functional behavioural assessments) and develop behaviour support plans that may contain the use of restrictive practices. Providers who are registered to deliver behaviour support services must engage behaviour support practitioners who are considered suitable by the NDIS Commissioner. From 1 July 2018, the NDIS Commissioner may consider behaviour support practitioners as suitable for a period, pending assessment against the NDIS Commission’s Behaviour Support Competency Framework. Empowered Community Services does not employ Behaviour Support Practitioners, but its staff work closely with Registered NDIS Providers of Positive Behaviour Support to implement participants’ behaviour support plans.

Functional Behavioural Assessments – the process for determining and understanding the function or purpose behind a person’s behaviour. This may involve the collection of data, observations, and information to develop an understanding of the relationship of events and

¹ Based on definitions in the *National Disability Insurance Scheme Act 2013*, *National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018* and *NSW Restrictive Practices Authorisation Policy*

circumstances that trigger and maintain the behaviour.

Independent Specialists - a pool of qualified behaviour support practitioners managed by the New South Wales Government to support the operation of Restrictive Practice Authorisation (RPA) Panels within NDIS Registered Providers that are using restrictive practices.

Lawful Orders – In New South Wales, a range of Lawful Orders can impose legally binding restrictions on an individual. These can direct that supervision, monitoring and management conditions (including electronic monitoring) are imposed on a person who has come into contact with the criminal justice system after they are released into the community. Lawful orders are considered an ‘authorised’ restrictive practice by the New South Wales Government. However, the practice should be referred to an RPA Panel to consider how the requirements are integrated into a participant’s behaviour support plan and its implementation.

NSW Central Restrictive Practices Team – oversees the administration and implementation of restrictive practices policy and guidelines in New South Wales. This team provides information to the sector, monitors the authorisation of restrictive practices, engages with the NDIS Commission and other key stakeholders, participates in national work on developing consistent standards for behaviour support, manages Independent Specialists and is responsible for developing a long-term restrictive practices authorisation model for the state.

Positive Behaviour Support – an evidenced-based approach to managing behaviours of concern that incorporates ongoing functional assessments and person-centred interventions to assist with improving an individual’s quality of life.

Restrictive Practice – any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with disability.

Regulated Restrictive Practice – any Restrictive Practice that is or involves any of the following:

Chemical Restraint –the use of medication or a 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 – restricting 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. It does not include the use of devices for therapeutic or non-behavioural purposes.

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.

Seclusion – 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.

Restrictive Practices do not include the following ***Prohibited Practices***:

Aversion – any practice which might be experienced by a person as noxious or unpleasant and potentially painful.

Overcorrection – any practice where a person is required to respond disproportionately to an event, beyond that which may be necessary to restore a disrupted situation to its original condition before the event occurred.

Misuse of medication – administration of medication prescribed for the purpose of influencing behaviour, mood or level of arousal, contrary to the instructions of the prescribing general practitioner, psychiatrist or other specialist.

Seclusion of children or young people – isolation of a child or young person (under 18 years of age) in a setting from which they are unable to leave for the duration of a particular crisis or incident.

Denial of key needs – withholding supports such as owning possessions, preventing access to family, peers, friends and advocates, or any other basic needs or supports.

Unauthorised use of a restrictive practice – the use of any practice that is not properly authorised and/or does not have validity or does not adhere to requisite protocols and approvals.

Prohibited practices also include any actions that are degrading or demeaning to the person, may reasonably be perceived by the person as harassment or vilification, or are unethical. Where participants are aged 18 and under, prohibited practices include any form of corporal punishment, any punishment that takes the form of immobilisation, force-feeding or food deprivation or any punishment intended to humiliate or frighten the person.

Senior Practitioner – leads the NDIS Commission’s behaviour support function, and:

- oversees behaviour support practitioners and providers who use behaviour support strategies and restrictive practices;
- provides best-practice advice to practitioners, providers, participants, families, and carers;
- receives and reviews provider reports on the use of restrictive practices; and
- follows up on reportable incidents that suggest there are unmet behaviour support needs.

The Senior Practitioner’s team is available for advice and guidance during the development and implementation of behaviour support plans. This support is available to anyone - behaviour support practitioners, providers using the plan, participants, family members, carers, and advocates.

Specialist Behaviour Support Provider – a registered NDIS provider whose registration includes the provision of specialist behaviour support services.

Empowered Community Services is not a Registered Specialist Behaviour Support Provider but is responsible for implementing behaviour support plans that have been developed for participants by Registered Specialist Behaviour Support Providers.

Policy

Empowered Community Services is committed to providing positive behaviour support for participants that is appropriate to their needs, incorporates evidence-based practice and maintains the dignity and rights of the participant. All positive behaviour support principles will be used with consideration of the participant's rights and ethical requirements, regardless of the existence of behaviours of concern.

Empowered Community Services will ensure restrictive practices are only used when necessary and where the primary purpose of that intervention is to protect a person with a disability or others from harm. They will be used only as a last resort, in the least restrictive manner.

Empowered Community Services will ensure that each participant is only subject to restricted practices that are reported to the NDIS Commission, authorised by the NSW Government and comply with the *National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018*. Restrictive practices will be ceased at the end of the authorised period, or as soon as they are no longer required or approved.

Empowered Community Services will ensure that each participant that is subject to an emergency or unauthorised use of a restrictive practice has that practice recorded and reviewed.

Procedures

Staff must talk to participants who display behaviours of concern, and (with their consent), their support network and other service providers, about the need for restrictive practices and the risks associated with them. At all times, alternatives to using restrictive practices should be promoted in these discussions.

If a participant does not have a supporter or guardian and is unable to advocate for themselves, staff must ensure the person is supported to access an advocate (see Empowered Community Service's *Decision Making and Choice Policy and Procedure*).

All evaluation, feedback and data collected by Empowered Community Services in relation to participant's behaviour support plans will be aimed at determining strategies for the ongoing reduction of restrictive practices. When positive change is reported through feedback and evaluation, this will be used as an opportunity to reduce restrictive practices.

Empowered Community Services must help staff, participants, families, and decision-makers understand the NDIS Commission's behaviour support function.

Staff Training, Development and Support

The support workers implementing behaviour support plans must maintain up-to-date knowledge and understanding of positive behaviour support, restricted practices and regulated restrictive practices.

Staff must not use restrictive practices without appropriate training in the safe use of the restriction, the legal framework and obligations that apply to its use, and the risks posed by the use of the restriction. The Human Resource Officer must ensure staff have this training and be satisfied of their competence in the practice prior to its use.

See Empowered Community Service's *Positive Behaviour Support Policy and Procedure* and *Human Resources Policy and Procedure* for further detail on training and support to be provided to staff in this area.

Behaviour Support Plans

Where a participant's behaviours of concern require staff to take a positive behaviour support approach, but do not require the use of restrictive practices, a behaviour support plan should be developed. Where a participant's behaviours of concern place themselves or others at risk of harm, and a regulated restrictive practice is required to help manage this, a behaviour support plan must be developed.

Behaviour support plans should clearly contain, as a minimum:

- what the participant's strengths are;
- why the participant displays challenging behaviour;
- how the environment must be changed to make challenging behaviour unnecessary;
- specific approaches and strategies to teach the participant new skills, making their reliance on challenging behaviours unnecessary;
- what the objectives of the behaviour support plan are; and
- how relevant people in the participant's life will contribute to the implementation of the plan.

Behaviour Support Plan Development

The decision to develop a Behaviour Support Plan for a participant must be based on recommendation by a behaviour support practitioner, psychologist, medical/allied health specialist, or other behaviour support professional.

Where an immediate need for a behaviour support plan is identified, an Interim Behaviour Support plan must be developed within one month, using the NDIS Commission's *Behaviour Support Practitioner – Interim Behaviour Support Plan*. Should an Interim Behaviour Support Plan be required in response to an incident relating to the use of a restrictive practice, Empowered Community Services will collaborate with relevant mainstream services such as the Police, other emergency services, mental health and emergency departments, treating medical practitioners and other allied health clinicians to contribute to the plan's development.

A Comprehensive Behaviour Support plan must be developed within six months of the need for a plan being identified, using the NDIS Commission's *Behaviour Support Practitioner – Comprehensive Behaviour Support Plan*.

Staff implementing either type of behaviour support plan developed by another Registered Specialist Behaviour Support Provider must be included in and support the development of the plan. This includes agreeing upon clear responsibilities relating to its implementation and review. Staff should also assist the behaviour support practitioner to gather the necessary information for the functional behavioural assessment and other assessments required to develop the plan.

Registering Plans with the NDIS Commission

All behaviour support plans that contain restrictive practices must be registered with the NDIS Commission by the Registered Specialist Behaviour Support Provider responsible for developing the plan.

Once the relevant behaviour support plan has been approved, it must be emailed to behavioursupport@ndiscommission.gov.au. Once the plan is received, the NDIS Commission will:

- advise all implementing service providers that the plan has been lodged;
- request implementing providers to submit details of consent and authorisation once

- these are obtained; and
- provide implementing providers with the NDIS Commission's Restrictive Practices Reporting form.

Consent

Informed consent must be obtained from the participant or their guardian to implement their behaviour support plan. Specific consent requirements for regulated restrictive practices are detailed in the NSW Restrictive Practices Authorisation Policy.

Authorisation

Behaviour support plans that contain regulated restrictive practices must also be approved in accordance with the relevant state authorisation process. In New South Wales, there are three requirements for the use of a regulated restrictive practice:

1. A behaviour support plan is developed;
2. Informed consent is obtained by the participant or their guardian; and
3. Authorisation is approved by a Restrictive Practices Authorisation Panel.

All behaviour support plans that contain regulated restrictive practices must be approved by an RPA Panel convened by the Registered Specialist Behaviour Support Provider responsible for developing the plan. Empowered Community Services must have documentary evidence that behaviour support plans have been registered with the NDIS Commission and been authorised by an RPA Panel, prior to implementing them.

If authorisation is not provided by the RPA Panel, the behaviour support practitioner will need to review the plan with the participant, their support network and implementing providers. Any use of a regulated restrictive practice that requires authorisation that has not been obtained constitutes a reportable incident.

Behaviour Support Plan Implementation

When implementing behaviour support plans, the behaviour support practitioner in charge of the plan must ensure the participant, and (with their consent) their support network and other service providers, are provided with a rationale of the behaviour support plan's strategies and are trained in its effective implementation. This should include but is not limited to:

- person-focused training;
- coaching and mentoring; and
- ongoing support for implementing the strategies.

The Support Coordinator will ensure that the participant's consent, and any documentation relating to substitute decision makers, guardians, or appointed Public Guardians are readily accessible to support staff members in the implementation of the behaviour support plan. When implementing Interim Behaviour Support Plans, Empowered Community Services must evaluate all risks posed to the participant and others, and ensure the Interim plan appropriately mitigates these risks.

Staff implementing a behaviour support plan developed by another Registered Specialist Behaviour Support Provider must:

- actively work with the relevant behaviour support practitioner to implement the plan and align support delivery with evidence-informed practice and positive behaviour support; and
- where necessary, collaborate with other providers that work with the participant to implement strategies in their behaviour support plan.

Staff involved in implementing positive behaviour strategies or restrictive practices must have received appropriate training. Empowered Community Services will proactively support specialist behaviour support providers to train staff in the use and monitoring of behaviour support strategies in behaviour support plans, including positive behaviour support, to ensure effective implementation of participants' plans.

Empowered Community Services must notify the NDIS Commission of situations where effective engagement with other service providers implementing behaviour support plans is not possible, and if support provided to participants is not implemented in accordance with their behaviour support plans.

Use of Restrictive Practices

Restrictive practices will not be used by staff unless Empowered Community Services has detailed procedures in place that detail the specific application of the restriction (e.g. how physical restraint will be safely and legally applied in the relevant setting).

For a regulated restrictive practice to be used, it must:

- be clearly identified in the participant's behaviour support plan;
- be approved by an RPA Panel and registered with the NDIS Commission;
- be used only as a last resort in response to risk of harm to the person with disability or others, and after staff have explored and applied evidence-based, person-centred and proactive strategies;
- be the least restrictive response possible in the circumstances to ensure the safety of the person or others;
- reduce the risk of harm to the participant or others;
- be in proportion to the potential negative consequence or risk of harm; and
- be used for the shortest possible time to ensure the safety of the person with disability or others.

Behaviour Support Plan Monitoring and Review

To support Empowered Community Service's continuous improvement approach to support delivery, on an ongoing basis, staff must monitor and evaluate the progress and effectiveness of the strategies in behaviour support plans. They should do this by regularly engaging with participants and their support networks and by monitoring the data provided by other service providers. This can occur through informal processes such as obtaining feedback from participants or reviewing case notes, or formal meetings such as team meetings, supervision, and stakeholder meetings.

Comprehensive Behaviour Support Plans must be formally reviewed, at a minimum, every twelve months. More frequent reviews may be undertaken based on feedback from the participant and through monitoring behaviour support data and changes in the participant's behaviour. Reviews are also required if participants move to or from New South Wales or change service providers.

Further, there may be circumstances where a behaviour support plan is developed before suitable providers to implement the plan are found. In this situation, the plan will need to be reviewed when providers are found.

Reviews must be undertaken by a behaviour support practitioner, with contributions from staff involved in implementing the plan. The primary focus of reviews should be reducing or eliminating restrictive practices based on observed progress or positive changes in the

participant's situation.

Modifications to behaviour support plans should be based on feedback from participants, their support networks and other stakeholders, as well as evaluation of participants' behaviour. Amended behaviour support plans must be registered with the NDIS Commission, authorised by an RPA Panel and communicated to all parties involved in implementing the plan, as per the procedures set out above.

The NDIS Commission may also review behaviour support plans through random audits or based on complaints or other information it receives.

Reporting

All uses of restrictive practices, whether approved or not, must be reported to the NDIS Commission on a monthly basis. Empowered Community Services must provide reports to the NDIS Commission on its use of restrictive practices using the NDIS Commission's *Restrictive Practices Reporting form*.

The requirement to report restrictive practices to the NDIS Commission does not replace existing obligations to report to other relevant authorities, including child protection agencies or Police.

Reportable Incidents

Empowered Community Services must report the unplanned or unapproved use of a restrictive practice to the NDIS Commission as a reportable incident.

Reportable incidents involving restrictive practices must be managed and reported in accordance with the *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018* and Empowered Community Service's *Participant Incident Management Policy and Procedure*.

The Support Coordinator or Managing Director will ensure appropriate support is given to relevant stakeholders and the participant when a reportable incident occurs while providing support through a behaviour support plan that includes restrictive practices. This includes ensuring participants involved in reportable incidents are immediately referred to a medical practitioner for assessment where necessary.

Following a reportable incident, Empowered Community Services will collaborate with relevant mainstream services such as the Police, other emergency services, mental health and emergency departments, treating medical practitioners and other allied health clinicians to ensure the incident is effectively responded to.

When an unauthorised restrictive practice is used, staff involved in the use, along with Empowered Community Service's Management Team and other relevant providers, must debrief to identify areas for improvement and to inform the proper use of future behaviour management strategies. The minutes and outcomes of these meetings must be documented.

All reportable incidents must also be reviewed (as per Empowered Community Service's *Participant Incident Management Policy and Procedure*). Outcomes of reviews must inform a review of the relevant behaviour support plan and where required; the supports provided to the impacted participant. If required, supports provided to the participant must be adjusted.

If the participant did not have a behaviour support plan, a behaviour support practitioner may need to develop one for them. If a behaviour support plan was in place, the behaviour support practitioner should review the participant's behaviour support plan to ensure it is adequate.

Should a new behaviour support plan be required, it must be subject to the same registration and authorisation processes as described above before being implemented.

As per Empowered Community Service's *Participant Incident Management Policy and Procedure*, the participant, and (with their consent) their support network, will be involved in the review of reportable incidents that impact them, including where they involve the use of an unauthorised restrictive practice.

Interim authorisation in response to a critical incident

In exceptional circumstances, restrictive practices may need to be rapidly implemented in response to situations where there is a clear and immediate risk of harm linked to behaviours of concern, when there is no behaviour support plan in place. As with restrictive practices generally, these restrictive practices should involve the minimum amount of restriction or force necessary, the least intrusion and be implemented only for as long as is necessary to manage the risk.

In these circumstances, interim authorisation for the use of restrictive practices is required pending the development of a behaviour support plan and authorisation by an RPA Panel. This should be sought as soon as practicable and within one month.

A senior manager of a Registered Specialist Behaviour Support Provider can provide this interim authorisation and an Interim Behaviour Support Plan can be put in place. A Comprehensive Behaviour Support Plan must be developed within six months.

Record Keeping

Information and data collected and recorded must comply with the *National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018*, *Empowered Community Service's Use of Restrictive Practices Policy and Procedure* and *Empowered Community Service's Records and Information Management Policy and Procedure*.

Empowered Community Services will keep a record of all participants with a behaviour support plan, recording all uses of restrictive practices and reportable incidents in relation to the use of restrictive practices. This must be reviewed monthly at each Management Team meeting.

Information that must be recorded includes:

- a description of the use of the regulated restrictive practice, including:
 - the impact on the person with disability or another person;
 - any injury to the person with disability or another person;
 - whether the use of the restrictive practice was a reportable incident; and
 - why the restrictive practice was used;
- a description of the behaviour of the person that lead to the use;
- the time, date and place at which the use of the practice started and ended;
- the names and contact details of the people involved in the use;
- the names and contact details of any witnesses;
- actions taken in response to the use;
- any less restrictive options considered or used before using the restrictive practice; and
- any actions taken leading up to the use, including any strategies used to prevent the need for the use of the practice.

Records must be kept for seven years from the day the record is made.

Supporting Documents

Documents relevant to this policy and procedure include:

- *Participant Charter*
- *Decision Making and Choice Policy and Procedure*
- *Privacy and Confidentiality Policy and Procedure*
- *Feedback and Complaints Policy and Procedure*
- *Positive Behaviour Support Policy and Procedure*
- *Records and Information Management Policy and Procedure*
- *NDIS Commission Behaviour Support Competency Framework*
- *NDIS Commission Notice of Behaviour Support Practitioners Employed or Engaged by Specialist Behaviour Support Providers (s29) Form*
- *NDIS Commission Behaviour Support Practitioner – Interim Behaviour Support Plan*
- *NDIS Commission Behaviour Support Practitioner – Comprehensive Behaviour Support Plan*
- *NDIS Commission Restrictive Practices Reporting form*
- *NSW Restrictive Practices Authorisation Policy*
- *NSW Restrictive Practices Authorisation Procedural Guide*

Monitoring and Review

This policy and procedure will be reviewed at least annually, or following any significant incident, by the Management Team. Reviews will incorporate participant and other stakeholder feedback.

Empowered Community Services will regularly review, and monitor processes related to positive behaviour support and protecting participants and other people from harm, based on its *Internal Review and External Audit Schedule*.

Empowered Community Service's feedback collection mechanisms, such as participant satisfaction surveys, will assess:

- participant and other stakeholder awareness of their rights and the extent to which they feel able and supported to exercise them;
- participant and other stakeholder satisfaction with Empowered Community Service's complaints processes; and
- the extent to which participants feel safe and protected in their dealings with Empowered Community Services.

Empowered Community Service's *Continuous Improvement Register* will be used to record identified improvements and monitor the progress of their implementation. Where relevant, this information will be considered as part of Empowered Community Service's service planning and delivery processes.

DOCUMENT CONTROL

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1	01/01/2019	Managing Director
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1	09 December 2019	Policy and Procedure Manual created to meet NDIS Quality and Safeguard Commission Practice Standards.