

Restrictive Practices and need for Authorisation Information for Customers and their families

This fact sheet has been developed to inform customers and families about what they need to know when Access4u as a registered provider with the NDIS needs to use a restrictive practice.

It is important to know that Restrictive Practices can only be used to address a behaviour that poses a risk of harm to your family member that Access4u is supporting or others.

A restrictive practice can only be used if it's part of a behaviour support plan developed by a behaviour support practitioner registered with the NDIS.

This is required by Access4u to meet the conditions of registration with the NDIS as an implementing Provider.

NDIS providers must have Authorisation from SA Department of Human Services Restrictive Practices Unit before they can use a restrictive practice.

If it is necessary to use a restrictive practice due to a crisis before obtaining this authorisation, the NDIS provider must report the use to the NDIS Quality and Safeguards Commission.

Restrictive practices

A restrictive practice is any practice or intervention that has the effect of restricting the rights or freedom of movement of the person. Restrictive practices, including the use of chemical restraint, aim to address behaviour issues and minimise harm; they do not aim to treat a medical condition.

For that reason, they are not considered to be a form of medical treatment under the *Guardianship Act 1993 (SA)*.

To prevent the person with a disability harming themselves or others, the guardian should consent to using restrictive practices:

- only as a last resort, and
- when there are no less restrictive options available. A 'person responsible' cannot consent to using any restrictive practices on behalf of a person with a disability. Refer to the Guardianship Act for a definition of 'person responsible'.

Types of restrictive practices Restrictive practices generally take one or more of the following forms.

- Seclusion – where a person is kept in a room or space at any time where their exit is prevented.
- Physical restraint – where physical force is used to prevent or restrict a person's movement.
- Mechanical restraint – where a device is used to prevent or restrict a person's movement.
- Environmental restraint – where a person's access to parts of their environment, including items or activities, is restricted.
- Chemical restraint – where medication is used for the primary purpose of influencing a person's behaviour, and not for treatment of a diagnosed mental disorder, physical illness or physical condition.

Who can consent to the use of restrictive practices?

If a person can provide their own valid consent to the use of restrictive practices, then there is no need for substitute consent. If substitute consent is needed, only a guardian with a restrictive practices function can provide consent.

To prevent the person with a disability harming themselves or others, the guardian should consent to using restrictive practices:

- only as a last resort, and
- when there are no less restrictive options available. A 'person responsible' cannot consent to using any restrictive practices on behalf of a person with a disability.

Refer to the *Guardianship Act* for a definition of 'person responsible'. When can a guardian be given a restrictive practices function?

Authorisation from DHS is not valid without appropriate consent. Consent for restrictive practices can be provided by the person if they can make their own decision or by a person responsible or an appointed guardian with a restrictive practices function.

Helpful resources

South Australian Department of Human Services

website: <https://www.sa.gov.au/topics/care-and-support/disability/restrictive-practices>

NDIS Legislation National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018 is available at www.legislation.gov.au

Attorney General Department

website: <https://www.agd.sa.gov.au/your-rights/guardianship>

Office of the Public Advocate

website: <http://www.opa.sa.gov.au/>

South Australian Civil and Administrative Tribunal (SACAT)

website: <http://www.sacat.sa.gov.au/types-of-cases/guardianship>