



POLICY ON ELIMINATING AND REDUCING RESTRICTIVE PRACTICES

Wagtail Therapy
Policy Title: Policy on Eliminating and Reducing Restrictive Practices
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Policy Statement

Wagtail Therapy recognises, upholds and promotes the rights of people with disability and their right to personal freedom and is committed to eliminating restrictive practices. Wagtail Therapy's Eliminating Restrictive Practices Policy meets the National Standards for Disability Services (specifically standard 1: rights); and the National Disability Insurance Scheme (NDIS) Quality and Safeguarding Framework Quality and Practice Standards (specifically support planning; responsive support provision; and implementing behaviour support plans). It complies with state based legislation and the NDIS (Restrictive Practices and Behaviour Support) Rules 2018.

Scope

This policy applies to all Wagtail Therapy staff, students, and volunteers. This policy guides staff on the standards of practice regarding eliminating the use of restrictive practices.

Definitions

- Behaviour Support Practitioner: a person the Commissioner considers is suitable to undertake behaviour support assessments (including functional behaviour assessments) and to develop behaviour support plans that may contain the use of restrictive practices. Only practitioners who are considered suitable by the Commissioner can deliver these supports.
- Implementing provider: providers who implement restrictive practices as part of a behaviour support plan.
- Informed consent: means a person is provided with appropriate and adequate information in order to make a decision which they make freely and without unfair pressure or influence. Part of informed consent is that the person also understands the consequences of their decisions.
- Positive Behaviour Support: a comprehensive approach to assessment, planning, and intervention which focuses on addressing the person's needs, their environment and overall quality of life. It is an evidence based approach to supporting people with disabilities who use behaviours of concern. It seeks to both improve the quality of life of the person with a disability and to reduce the impact of the person's behaviour of concern.
- Restrictive practices: any intervention and/or practice that has the effect of restricting the rights or freedom of movement of a person with disability. The NDIS Commission Behaviour Support Rules define five types of regulated restrictive practices: seclusion, chemical, mechanical, physical, and environmental.
- Restrictive interventions: see restrictive practices.
- Behaviours of concern: when clients behave in ways that might hurt themselves, hurt other people, or break things or when the behaviour of concern becomes a barrier to their participation in daily life.
- Seclusion: the sole confinement of a person with disability in a room or physical space.
- Chemical restraint: the use of medication or chemical substance for the primary purpose of influencing a person's behaviour.
- 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 (different from a therapeutic device)
- Therapeutic device: something put on a person to help them to move or stay healthy and which can help to reduce pain, improve health or help the person do an activity.
- 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.
- Environmental restraint: restricting a person's free access to all parts of their environment, including items or activities.



- Psychosocial restraint: recognised in WA, this is the use of power-control strategies that include but are not limited to requiring a person to stay in one place until told they can leave, directing a person to remain in a particular physical position (e.g. lying down), ignoring, withdrawing privileges or otherwise punishing as a consequence of non-cooperation. This is a prohibited restrictive practice.
- Emergency use of restrictive practice: when trying to save a person's life, trying to stop a person from being injured, or trying to stop other people being injured

Procedure

Restrictive practices can have profoundly negative effects on a person's quality of life and can represent serious human rights infringements. Wagtail Therapy provides person-centred interventions, with the aim of reducing and eliminating the use of restrictive practices. When providing behaviour supports, Wagtail Therapy's obligations are to:

- Engage participants and relevant stakeholders in discussions about the need for restrictive practices and the risks associated with their use.
- Promote alternatives to the use of restrictive practices
- Restrictive practices are only included in a participant's behaviour support plan in accordance with relevant Commonwealth legislation and WA Government legislation for obtaining authorization.
- Promote strategies within the behaviour support plan that will lead to the reduction and elimination of restrictive practices
- Use regulated restrictive practices only in accordance with an approved behaviour support plan;
- Support other providers implementing a behaviour support plan in implementing the strategies and evaluating the effectiveness of current approaches aimed at reducing and eliminating restrictive practices.
- Report any unauthorised use of restrictive practices to the NDIS Commission (reportable incident).

Behaviour Support Plans and Restrictive Practice

- When a restrictive practice has been identified an interim behaviour support plan must be submitted to NDIS Commission within 1 months and a comprehensive behaviour support plan must be submitted to NDIS Commission within 6 months.
- A statement of intent to use a restrictive practice is given to the participant and their supports in an accessible format;
- If the behaviour support plan includes a restrictive practice, then the behaviour support plan is registered with the NDIS Commission to enable monitoring of regulated restrictive practices.
- In Western Australia to implement any restrictive practices, the restrictive practice must be authorised by an Authorisation Panel. Authorisation Panel's are the responsibility of the implementing provider. Wagtail Therapy is not an implementing provider however it is our responsibility to support implementing providers with the authorisation process (<https://www.wa.gov.au/organisation/department-of-communities/authorisation-of-restrictive-practices>)
- A statement of intent to use a restrictive practice is given to the participant and their supports in an accessible format.

Emergency or unauthorised use of restrictive practice

Sometimes a restrictive practice might be necessary in an emergency and / or may be used without being authorised. If unplanned restrictive practices are applied due to an incident, the incident and the restrictive practice must be reported immediately to the Director as per the requirements of the Wagtail Therapy Incident Reporting Policy. There is also a requirement for Wagtail Therapy to report what happened under NDIS Commission reportable incident requirements. Any unauthorised use of a restrictive practice must be reported to NDIS Commission as a reportable incident within 5 days. Please see 2.2 Incident Reporting Policy for further information.



Wagtail Therapy staff must comply with Wagtail Therapy policy even when working with third parties (for example, the Education Department or client accommodation). Any witnessed use of restrictive practices by a third party, without appropriate registrations and authorisations should be reported as an incident via the Wagtail Therapy Incident Reporting Policy. Each incident will be reviewed by the Director and reported following the NDIS Commission Quality and Safeguarding guidelines.

Authorisation and Reporting

Authorisation and reporting requirements for the use of restrictive practices are the responsibility of each state and territory. In Western Australia to implement any restrictive practices, the restrictive practice must be authorised by an Authorisation Panel. Authorisation Panels are the responsibility of the implementing provider. Wagtail Therapy is not an implementing provider however it is our responsibility to support implementing providers with the authorisation process (<https://www.wa.gov.au/organisation/department-of-communities/authorisation-of-restrictive-practices>)

Monthly online reporting of restrictive practices in the NDIS Commission Portal is required by implementing providers. It is part of our role at Wagtail Therapy to support implementing providers to understand their monthly reporting requirements and support them to develop strategies for monitoring.

Responsibilities

All client-facing staff are responsible for supporting the elimination of restrictive practice; and for compliance with this policy in the use and reporting of restrictive practices. All client-facing staff must participate in training on positive behaviour support and elimination of restrictive practices. The Director is responsible for ensuring staff comply with the requirements of this policy and have sufficient skills, knowledge and ability to meet these requirements; and for ensuring that all unplanned restrictive practices are added to our Incident Register.

Related documents

- Incident Reporting Policy
- Employee Code of Conduct
- 3.1 Positive Behaviour Support Policy

Legislation and standards

- National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018
- United Nations Convention on the Rights of Persons with Disabilities (2006)
- Authorisation of Restrictive Practices in Funded Disability Services Policy (Department of Communities Western Australia)

Review

This Policy will be reviewed on an annual basis. However, if at any time where change is identified as being needed through legislative changes or service requirements, the Policy will be amended accordingly. This Policy will still remain in force after its review period if not reviewed, or until changed or withdrawn.