

Regulated Restrictive Practices & Positive Behaviour Support policy

Policy statement

The Convention on the Rights of Persons with Disabilities (CRPD) recognises the barriers that people with disability may face in realising their rights. The National Disability Insurance Scheme (Restrictive Practice and Behaviour Support) Rules 2018 detail how AABDS must regulate and monitor the use of Restrictive Practice and Behaviour Support. This policy guides all employees on the standards of practice regarding eliminating the use of restrictive practices. It identifies the need for safeguarding approaches on rare occasions where restrictive practices are required.

Scope

This policy applies to all AABDS employees, contractors and volunteers. This policy is owned by the Governing Body.

Principles

The focus is on preventing or reducing the behaviour that causes harm, through supporting the participant to live a full and meaningful life with opportunities to engage in community activities, develop relationships and learn new skills.

If restrictive practices are considered necessary to manage the behaviour of the participant with an intellectual disability or cognitive deficit, who is receiving a service from AABDS, they should only be used in a way that:

- has regard to the human rights of the participant;
- safeguards the participant or others from harm;
- is the least restrictive way of ensuring the participant's and others' safety;
- maximises the opportunity for positive outcomes for the participant and aims to reduce or eliminate the need to use restrictive practices;
- ensures transparency and accountability in the use of restrictive practices.

Definitions

- **Behaviours of concern** - are behaviours of such intensity, frequency and duration as to threaten the quality of life or safety of the participant or others.
- **Chemical restraint** - is the use of any medications (including PRN) for the primary purpose of influencing or controlling the participant's behaviour, movement or normal function for a non-therapeutic reason. Chemical restraint does not include the administration of medication prescribed by a medical practitioner for the treatment of a diagnosed mental illness, physical illness or physical condition.
- **Environmental restraint** – refers to where there is a restriction to a person's free access to all parts of their environment, including items or activities
- **Containment** - refers to where a participant cannot physically leave the place where they receive disability services. This may include locking doors, windows or gates. It is not considered containment if a participant has a lack of road safety skills and a door is locked to prevent them from harm.
- **Mechanical restraint** - refers to a device to prevent, restrict or subdue a participant's free movement for the primary purpose of influencing and controlling the participant's behaviour. Mechanical restraint does not include the use of devices for therapeutic purposes or for safety purposes not primarily related to behaviour (e.g. seat belts, wheelchair trays or bed rails to prevent injury from falls or devices to enable the safe transportation of a person).
- **Physical restraint** - is the use of any part of a person's body to prevent, restrict or subdue free movement of another person's body for the primary purpose of controlling the person's behaviour.
- **Restricting access to an object** - is limiting the participant's access to an object, for example a kitchen drawer with knives, at a place where the participant receives disability services. This can prevent the participant using the object to cause harm to themselves or others.
- **Seclusion** - refers to the sole confinement of a participant in a room or physical space at any hour of the day or night where voluntary exit is denied, prevented or not facilitated.

Principles

The following principles need to be considered when supporting participants who have an intellectual or cognitive disability who exhibit behaviour that causes harm and who are receiving a service from AABDS.

- **Human rights principle** – AABDS employees have regard for the human rights principle that participants have the same human rights as other people (Section 141 and 142 of the [Disability Services Act 2006 \(QLD\)](#)).
- **Service delivery principle** – AABDS consider all the service delivery principles as outlined in the [Disability Services Act 2006 \(QLD\)](#) (sections 19-32) and the [Disability Services and Inclusion Act 2023](#).

- **Assessment of the Individual** - AABDS employees have an understanding that behaviour that causes harm occurs for a reason. Therefore, there is an emphasis on gaining an understanding of the participant and the function of their behaviour. This is an essential component in the development by AABDS employees of appropriate support strategies.
- **Positive and proactive approach** - AABDS employees are committed to the delivery of a positive and proactive approach to behaviour support. This involves the development of multi-element support plans, that ensure that the participant is able to live a full and meaningful life with a link between the antecedents to the behaviour and occurrences of the behaviour.

Should AABDS employees consider it necessary to use a restrictive practice in response to a participant's behaviour that causes harm, the following principles should be considered. A restrictive practice should only be used:

- where it's necessary to prevent harm to the participant or others;
- where it is the least restrictive way of ensuring the safety of the participant or others.

AABDS as a service provider is committed to providing services that:

- ensure transparency and accountability in the use of restrictive practices;
- recognises that restrictive practices should not be used to punish a participant or in response to a behaviour that does not cause harm to the adult or others;
- aim to reduce the intensity, frequency and duration of a participant's behaviour that causes harm to the participant or others;
- aim to reduce or eliminate the need for the restrictive practice;
- ensures that AABDS employees are adequately skilled and have significant knowledge in the legislative requirements and the safe and responsible use of restrictive practices.

Practice requirements

This policy requires that AABDS complies with all legislative, contractual or organisational specific monitoring and reporting requirements related to restrictive practices. AABDS is required to ensure that specific consent and authorisation arrangements are clearly documented to inform employees about the arrangements relating to the use of restricted practices. AABDS is also responsible for accurate recording and reporting of the use of restrictive practices, as required by the NDIS safeguarding commission and the Queensland jurisdictions of the Public Guardian.

The *Disability Services Act 2006* (Qld) regulates the Positive Behaviour Support and Restrictive Practices Framework and provides for the authorisation of restrictive practices to support individuals in specific circumstances.

If the organisation uses or is likely to use restrictive practices, or who develop behaviour support plans must be registered with the NDIS Commission and meet supplementary requirements of the NDIS Practice Standards. The NDIS Commission approves behaviour support practitioners

using a capability framework. Providers must lodge behaviour support plans with the NDIS Commission and report monthly on the use of restrictive practices. The Queensland Government remains responsible for the legislative and policy frameworks regarding the authorisation of regulated restrictive practices in the NDIS.

In the rare event that AABDS employees are required to use restrictive practices, then the appropriate approval should be sought through a short-term approval process (see Restrictive Practices & Positive Behaviour Support procedure).

Short-term approvals are required when:

- AABDS employees have to respond to an adverse event where an unplanned response is required, and a restrictive practice is necessary in order to prevent an immediate and serious risk of harm to a participant or another person.
- The short-term approval for the use of restrictive practices, where there is an immediate and serious risk of harm to the participant or another person. Short term approvals are obtained from the NDIS Safeguarding Commission, and the QLD Public Guardian.
- All AABDS employees should immediately inform AABDS Directors of the use of any unplanned restrictive practice immediately to ensure that legislative compliance can be achieved.

Related policies

- Code of Conduct policy
- Choice & Control policy
- Continuous Improvement policy
- Safeguarding policy
- Restricted Practices policy

Related links

- [Guardianship and Administration Act 2000](#)
- [Disability Services Act 2006](#)
- [Public Guardian Act 2014](#)
- [United Nations Convention on the Rights of Persons with Disabilities](#)
- [National Disability Insurance Scheme \(Provider Registration and Practice Standards\) Rules 2018](#)
- [National Disability Insurance Scheme Act 2014: Principles](#)
- [The Department of Health's Standard 1: Rights](#)
- [National Standards for Disability Services](#)
- [National Standards for Mental Health Services.](#)
- [NDIS Practice Standards](#)
- [National Standards for Disability Services – evidence Guide](#)

- [Disability Services and Inclusion Act 2023](#)
- [Carers Recognition Act 2004](#)
- [Disability Services Act 1993 \(WA\)](#)
- [Guardianship & Administration Act 1990](#)
- [NDIS Code of Conduct](#)

The organisation adheres to the [NDIS Code of Conduct](#) and [NDIS Practice Standards](#) for providers and workers. Our Quality Services and Supports promote the [National Standards for Disability Services – evidence Guide](#).

Acknowledgements

The organisation promotes the Human Rights principles of the [Convention on the Rights of Persons with Disabilities](#).

AABDS and its employees are obliged to comply with the [National Disability Insurance Scheme \(Provider Registration and Practice Standards\) Rules 2018](#), which have been developed in line with the [National Standards for Disability Services](#) and the [National Standards for Mental Health Services](#).

POLICY HISTORY

Policy name	Restrictive Practices & Positive Behaviour Support	Policy owners	Governing Body
Policy created	July 2018	Approved by Board	Oct 2018
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