



## Restrictive Practices Policy

Version	08 2021	Scheduled review date	08 2024
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Whilst this policy provides a guide, as Cam Can provides people with disabilities and their families with personalised, tailored support that maximises their control over available resources, decision making and choice, there may be times when alternative decisions are made for the benefit of members.

### Purpose

This policy provides the guidelines to ensure Cam Can members have access to support to promote them living in a safe environment, whilst actively preventing abuse, harm, neglect, discrimination and violence.

The Policy sets out guidelines to enable Cam Can staff to meet required standards on restrictive practices, as described by the NDIS Quality and Safeguards Commission and international, national and state obligations protecting the human rights of people with a disability. The policy:

- Contributes to minimise and eliminate restrictive practices for people with disability who sometimes exhibit challenging behaviours.
- Ensures authorised and consented restrictive practices are administered appropriately, with the least infringement of the rights of people with disability.
- Ensures safeguards for exceptional circumstances where unauthorised restrictive practices are needed to protect the welfare of individuals and/or the safety of third parties.
- Supports Positive Behaviour Support (PBS) Practitioners to implement PBS plans.

### Scope

This policy applies to all of Cam Can services and staff. Compliance with this policy is a condition of appointment for all staff engaged to provide support on behalf of Cam Can.

This policy operates in conjunction with mandatory reporting requirements including the NDIS Reportable Incidents process and all relevant legislation, policies, guidelines and standards.

The Policy focusses on chemical, environmental, mechanical and physical restraints, and seclusion, as described by the *NDIS Regulated Restrictive Practices Guide*

### Definitions

**Behaviours of concern** – behaviours of such intensity, frequency or duration as to threaten the quality of life and/or safety of the individual or others, and may seriously limit or deny the use of ordinary community facilities, limit or deny lifestyle opportunities, impede positive interactions with others in their environment, and are likely to lead to responses that are restrictive, aversive or result in exclusion.

**Restrictive Practices** – any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with a disability (*National Disability Insurance Scheme Act 2013 s9*). Restrictive practices do not include therapeutic or safety devices/practices, where the device or practice is being used for its intended purpose and the person is not resisting or objecting to its use.

**Reportable Incident** – in the context of the use of a Restrictive Practice, is the unauthorised use of a Restrictive Practice in relation to a person with a disability and in connection with the provision of supports by Cam Can. Refer to Cam Can's *Managing Incidents Relevant to Members Policy and Procedure*.

## Responsibilities

Staff who work directly with members are responsible for:

- understanding and complying with this policy
- seeking additional training in Restrictive Practices and implementing PBS, as required.
- ensuring each member who receives support has an individual support plan (*It's All About Me*). These plans will be person-centred, with a strong focus on choice and control and will work in conjunction with PBS plans identified in a member's NDIS plan. Consideration will be given to the member's goals, aspirations, interests, preferences, strengths and capabilities.
- work collaboratively with the PBS Practitioner to develop a PBS plan
- Reporting any use of a Restrictive Practice, as per *NDIS (Restrictive Practices and Behaviour Support) Rules 2018*.

Cam Can will provide training and support for the above, and engage approved specialist PBS Practitioners (as defined in NDIS Rules) to develop PBS plans to reduce and eliminate the use of Restrictive Practices.

## Policy Statements

1. This policy applies to all employees including key agency personnel, full-time employees, part-time employees, casual employees and staff on contract.
2. Cam Can is guided by the *NDIS Act 2013* and the *NDIS Quality and Safeguards Commission's Provider Registration and Practice Standards (Restrictive Practices and Behaviour Support) Rules 2018*, *NDIS (Quality Indicators) Guidelines 2018*, *NDIS Restrictive Practices Guide 2020* and other relevant state and national laws. These are also supported by the *United Nations Convention on the Rights of Persons with Disabilities (2006)*.
3. Cam Can will ensure people are treated in respectful ways that uphold human rights, wellbeing, inclusion, safety and quality of life of people with disability, considering the needs and situation of each person receiving support. This includes understanding the function of behaviour as a means of communication
4. Staff are to be aware of potential triggers for a person's behaviours or reactions and recognising they may be a relevant to the delivery of support. Any known triggers are documented in 'It's All About Me'.
5. Restrictive Practices restrict the liberty of individuals and should be considered only in exceptional circumstances where the health, safety and wellbeing of a person with disability, and/or the safety of others is at risk, and all other reasonable, less restrictive alternatives have been trialled. In these rare instances, the use of Restrictive Practices must be proportionate to risk, be used for the shortest time possible, based on best practice, reduce the risk of harm to the person and be the least infringement of the person's rights.
6. All Restrictive Practices are endorsed by a Quality Assurance Panel or recorded as unauthorised Restrictive Practices.
7. Cam Can members must be given opportunities to develop new skills that have the potential to reduce or avoid the need for a restrictive practice, and clearly identified in a PBS Plan.

## Prohibited Restrictive Practices

The following practices must not be used under any circumstance:

- Psychosocial restraints, such as use of demeaning tones and threats.
- Aversive restraints, such as electric shocks and water sprays.
- Exclusion, such as preventing a person from being part of decision-making or deliberately excluding them from activities.
- Prone and supine physical restraints, including holding someone by the neck.

## Regulated Restrictive Practices

The following practices are regulated by the NDIS Quality and Safeguards Commission, and subject to stringent authorisation guidelines. Their use must be accompanied with an approved PBS Plan.

A Restrictive Practice is *unauthorised* if authorisation has not been obtained prior and/or a PBS plan has not been developed by a specialist Behaviour Support Practitioner, or the practice is inconsistent with the authorisation and/or PBS plan.

A Restrictive Practice is a regulated Restrictive Practice if it involves any of the following (per NDIS Rules):

- **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 medical disorder, a physical illness or a physical condition.
- **Environmental Restraint**, which restricts a person's free access to all parts of the environment, including items or activities.
- **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.
- **Physical Restraint** (excluding prone or supine restraint which is prohibited), which is the use or action of physical force to prevent, restrict or subdue movement of a person's body, or part of the body, for the primary purpose of influencing their behaviour.
- **Seclusion**, which is the sole confinement of a person with disability in a room or 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.

## Performance Standards

The following controls ensure Cam Can adheres to Restrictive Practice requirements:

1. Cam Can's Restrictive Practices Policy is publicly available.
2. Cam Can staff work collaboratively with the PBS Practitioner in developing the PBS plan
3. Cam Can staff are provided with information, instruction, training and supervision in the use of restrictive practices.
4. Members, their families and supporters are involved in the service design process with the PBS Practitioner and consent to any prescribed restrictive practices.
5. The use of prescribed restrictive practices are reviewed by senior staff and a Quality Assurance Panel.
6. Prescribed restrictive practices are recorded on each use and reviewed at least annually.
7. The use of unauthorised restrictive practices is reported as per NDIS's Reportable Incidents process.
8. The use of any therapeutic devices is prescribed by a qualified PBS Practitioner in conjunction with appropriate health professionals, has the consent of the member and is identified as the least restrictive alternative.
9. The use of medication is prescribed by a qualified medical practitioner and reviewed at least annually.
10. All Staff are aware of this policy, have easy access to it, and are aware of reporting procedures.

11. A breach of this policy is grounds for disciplinary action, up to and including termination of employment.
12. All staff are aware of and adhere to Restrictive Practice recording and reporting responsibilities.

## Review of the Policy

This policy will be reviewed on a three-yearly basis. However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed immediately and amended accordingly.

## Related Documents

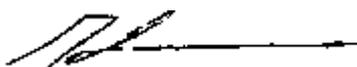
- Cam Can's Managing Incidents Involving Members Policy and Procedures
- Cam Can's Risk Management Policy and Procedure
- Cam Can's and NDIS Code of Conduct
- Cam Can's *Privacy Dignity Confidentiality and Data Protection Policy*
- Cam Can's *Safeguarding Human Rights Policy and procedure*
- Cam Can's Duty of Care Policy

## Related Legislation

- National Disability Insurance Scheme Act 2013
- NDIS (Incident Management and Reportable Incidents) Rules 2018
- NDIS (Restrictive Practices and Behaviour Support) Rules 2018
- Disability Discrimination Act 1992 (Cth)
- Equal Opportunity Act 1984
- Guardianship and Administration Act (WA) 2000

### Authority

This policy is issued by:



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Marc Lema  
MANAGING DIRECTOR

Date: 19 August 2021



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Anthea Lema  
DIRECTOR

Date: 19 August 2021