

|  |
| --- |
| Quick reference guide to common questions about restrictive practices – Physical restraint |
| Disability Act 2006, Parts 7 and 8 |

# Introduction

These guides are designed to quickly answer common questions about chemical restraint, mechanical restraint, seclusion, environmental restraint and physical restraint in Victorian disability services. If you require additional information, please go to the [Restrictive Intervention Self Evaluation Tool (RISET)](http://www.dhs.vic.gov.au/about-the-department/our-organisation/organisational-structure/our-groups/office-of-professional-practice/practice-resources-opp/practice-resources-disability/restrictive-interventions) and the [*Disability Act 2006*](http://www.austlii.edu.au/au/legis/vic/consol_act/da2006121/s3.html)(the Disability Act).

.

**Physical Restraint**

Section 3 of the Disability Act defines physical restraint as having the same meaning as in the *NDIS (Restrictive Practices and Behaviour Support) Rules 2018 (Cth)* (the NDIS Rules)*.* The NDIS Rules define physical restraint as 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 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*.

Additional information on physical restraint is contained in the Victorian [Senior Practitioner’s Direction on Physical Restraint](http://www.dhs.vic.gov.au/about-the-department/our-organisation/organisational-structure/office-of-professional-practice/practice-resources-opp/practice-resources-disability/physical-restraint-direction-paper-senior-practitioner).

**1. Is all physical restraint prohibited?**

No. Refer to the Victorian [Senior Practitioner’s Direction on Physical Restraint](http://www.dhs.vic.gov.au/about-the-department/our-organisation/organisational-structure/office-of-professional-practice/practice-resources-opp/practice-resources-disability/physical-restraint-direction-paper-senior-practitioner) document.

**2. When can physical restraint be used?**

Refer to the Victorian [Senior Practitioner’s Direction on Physical Restraint](http://www.dhs.vic.gov.au/about-the-department/our-organisation/organisational-structure/office-of-professional-practice/practice-resources-opp/practice-resources-disability/physical-restraint-direction-paper-senior-practitioner) document.

**3. What physical restraints can be used?**

The Victorian [Senior Practitioner’s Direction on Physical Restraint](http://www.dhs.vic.gov.au/about-the-department/our-organisation/organisational-structure/office-of-professional-practice/practice-resources-opp/practice-resources-disability/physical-restraint-direction-paper-senior-practitioner) does not tell staff how to physically restrain a person with a disability. It specifies which techniques are prohibited

**4. Where can I find a provider of physical restraint training?**

You should initially discuss this with your manager. Advice can also be sought from your organisational Learning and Development Coordinator or your Local Engagement Officer (LEO).

**5. Are evasive techniques such as blocking a person with a disability from physically harming me or another person, considered physical restraint?**

No, unless your action then becomes physical restraint by using physical force to coerce the person. Use of arms/hands to block/ redirect physical aggression from another person are not considered physical restraint.

**6. Are physical disengagement techniques physical restraint?**

No, unless your action then becomes physical restraint by using physical force to coerce the person. For example, maintaining a grip on a person’s wrist after disengagement is physical restraint.

**7. If I use physical restraint, do I need to complete an incident report?**

If physical restraint is used, and it is within a behaviour support plan, it must be reported to the NDIS Commission as per regular reporting requirements. If the use of physical restraint is not in the person’s behaviour support plan, it will need to be reported to the NDIS Commission as a reportable incident. Refer to the [Critical client incident management summary guide and categorisation table](http://www.dhs.vic.gov.au/__data/assets/pdf_file/0008/684710/critical-client-incident-summary-guide-categorisation-table-12-2012.pdf).

**8. Does physical restraint need to be in a Behaviour Support Plan?**

Yes. The Direction of Physical Restraint footnote 7 on page 6 of the [Direction](http://www.dhs.vic.gov.au/about-the-department/our-organisation/organisational-structure/office-of-professional-practice/practice-resources-opp/practice-resources-disability/physical-restraint-direction-paper-senior-practitioner) will be revised to reflect that physical restraint must be included in a behaviour support plan (if the use of physical restraint is likely to occur more than once - if not, the use of physical restraint must be reported as an emergency restrictive practice as above).

**9**. **What requirements are there for the inclusion of physical restraint in a behaviour support plan?**

Any inclusion of physical restraint must be based on a robust assessment, authorised by the Authorised Program Officer (APO). The inclusion of physical restraint in a behaviour support plan **must also** be approved by theVictorian Senior Practitioner.

**10. Can a guardian or family member of a person with a disability authorise or request physical restraint?**

No. Refer to Attachment 1 in the Victorian [Senior Practitioner’s Direction on Physical Restraint document](http://www.dhs.vic.gov.au/about-the-department/our-organisation/organisational-structure/office-of-professional-practice/practice-resources-opp/practice-resources-disability/physical-restraint-direction-paper-senior-practitioner).

**11. Is it physical restraint when a person with a disability is forcibly moved to seclusion?**

Yes, if physical force was used to coerce the person to facilitate them being secluded. The requirements for physical restraint are contained in the Victorian [Senior Practitioner’s Direction on Physical Restraint](http://www.dhs.vic.gov.au/about-the-department/our-organisation/organisational-structure/office-of-professional-practice/practice-resources-opp/practice-resources-disability/physical-restraint-direction-paper-senior-practitioner).

|  |
| --- |
| To receive this publication in an accessible format phone 03 9096 8427, using the National Relay Service 13 36 77 if required, or email the Restrictive Practices Authorisation Team at <VictorianSeniorPractitioner@dhhs.vic.gov.au>  Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.  © State of Victoria, Australia, Department of Health and Human Services, June 2020.  Available at the [Victorian Senior Practitioner website](file:///C:\Users\tasha\Desktop\VSP%20work\fact%20sheets\Victorian%20Senior%20Practitioner%20website) <https://www.dhhs.vic.gov.au/victorian-senior-practitioner> |