

|  |
| --- |
| Using restrictive practices in Victoria |
| Step by step guide for NDIS registered providers |

Everybody has the right to move around freely. But sometimes people might hurt themselves or hurt other people. Providers can use restrictive practices to stop harm to self or harm to others. The use of restrictive practices in Victoria must be authorised by the Authorised Program Officer/s (APO) and provided to the Victorian Senior Practitioner. Some restrictive practices also require additional approval by the Victorian Senior Practitioner.

According to the *Disability Act 2006* and NDIS (Restrictive Practices and Behaviour Support) Rules 2018, if restrictive practices are used a behaviour support plan needs to be developed by an NDIS registered behaviour support practitioner with assistance from the person’s service providers.

These are the steps required for NDIS registered providers to use restrictive practices in Victoria.

# Step 1: Service Providers need to register with the NDIS Quality and Safeguards Commission

Service providers who plan to use restrictive practices in Victoria with NDIS participants now need to be registered with the NDIS Quality and Safeguards Commission.

### Helpful resources for service providers:

* [Changes to quality and safeguards arrangements in Victoria from 1 July 2019](https://www.vic.gov.au/ndis-quality-and-safeguards#changes-to-quality-and-safeguards-arrangements-in-victoria-from-1-july-2019)
* [Authorisation process for the use of regulated restrictive practices by registered NDIS providers, September 2019](https://providers.dhhs.vic.gov.au/authorisation-process-use-regulated-restrictive-practices-registered-ndis-providers)

## Step 2: Appoint an Authorised Program Officer (APO)

The APO is responsible for approving the BSP in line with the requirements of the Disability Act and NDIS Rules. The APO is appointed by an NDIS registered provider and must be approved by the Victorian Senior Practitioner.

### How to get approval:

Applications to be an APO need to be submitted through the Restrictive Interventions Data System (RIDS). For help and more information on accessing RIDS please contact RIDS helpdesk on 9096 8427.

## Step 3: Develop an NDIS behaviour support plan

### What is an NDIS behaviour support plan (BSP)?

A restrictive practice can only be used on an NDIS participant when it is a part of a BSP. A BSP is a document prepared by a registered NDIS behaviour support practitioner in consultation with the person with a disability, their family, and carers.

The BSP contains:

* Strategies that aim to improve the person’s quality of life.
* Strategies that consider the participant’s individual needs and behaviour of concern.
* Strategies to reduce or stop the use of restrictive practices over time.

The NDIS behaviour support practitioner needs to be registered with the NDIS Quality and Safeguards Commission and is the only person who can prepare the plan.

### Helpful resources for developing a BSP:

* [NDIS Comprehensive behaviour support plan template](https://www.ndiscommission.gov.au/document/1441)
* [NDIS Interim behaviour support plan template](https://www.ndiscommission.gov.au/document/1446)
* [Restrictive Interventions Data System and electronic Behaviour Support Plan questions and answers, 2018](https://providers.dhhs.vic.gov.au/restrictive-interventions-data-system-and-electronic-behaviour-support-plan-questions-and-answers)

## Step 4: Authorised Program Officer (APO) needs to authorise the use of restrictive practices on an NDIS participant

Before the APO authorises the use of regulated restrictive practices, they need to make sure an independent person is available. An independent person is someone who has a connection with the person with a disability and is able to explain to them what is in the BSP and their rights. An independent person is someone independent of the NDIS provider; that is, someone who has no connection to the provider and is not a paid support.

The APO can ask questions and give feedback to the NDIS behaviour support practitioner about the BSP. The APO decides if they will need to use the restrictive practices in their service.

After the APO authorises the restrictive practices, the APO submits the BSP to the Victorian Senior Practitioner using the Restrictive Intervention Data System (RIDS) to meet the Victorian authorisation requirements.

## Step 5: The Victorian Senior Practitioner approves the restrictive practices in the BSP

The Victorian Senior Practitioner will send a letter to the provider confirming authorisation if the regulated restrictive practices in the BSP meet the requirements of the Disability Act (2006).

For the use of seclusion, physical restraint and mechanical restraint, the Victorian Senior Practitioner will send a letter to the APO either approving or refusing the use of these regulated restrictive practices. If the use of a restrictive practice is refused, the APO must tell the NDIS behaviour support practitioner to change the BSP and the APO must return to step 4 above.

## Step 6: Once the restrictive practices are authorised the NDIS behaviour support practitioner needs to upload the BSP and attach the letter of authorisation /approval from the Victorian Senior Practitioner onto the NDIS portal

* The authorisation/approval letter is evidence of authorisation for the NDIS behaviour support practitioner to lodge with the BSP to the NDIS portal.
* For detailed information about lodging a BSP in the Portal, see the [NDIS Commission Portal User Guide for How to Lodge a Behaviour Support plan](https://www.ndiscommission.gov.au/sites/default/files/documents/2019-07/ndis-commission-portal-user-guide-behaviour-support-v20.pdf).

## Step 7: Reporting the use of restrictive practices

After the restrictive practices in the BSP have been authorised/approved by the Victorian Senior Practitioner, the Authorised Program Officer needs to report the use of restrictive practices every month to the NDIS Commission.

If the restrictive practice is not authorised for the person with a disability and it is used by the provider, the provider is required to report the use of restrictive practices as Reportable Incidents on the NDIS portal.

**Step 8: Reviewing the BSP**

According to the NDIS rules, an NDIS behaviour support practitioner is required to review an NDIS interim behaviour support plan after 6 months, and an NDIS comprehensive behaviour support plan at least every 12 months, or as soon as there are changes to the regulated restrictive practices used or intended to be used.

For further information please contact the Victorian Senior Practitioner team on:

* [BSPquestions@dhhs.vic.gov.au](mailto:BSPquestions@dhhs.vic.gov.au)
* [RIDS.helpdesk@dhhs.vic.gov.au](mailto:RIDS.helpdesk@dhhs.vic.gov.au)
* [Victorianseniorpractitioner@dhhs.vic.gov.au](mailto:Victorianseniorpractitioner@dhhs.vic.gov.au) or 9096 8427

To receive this publication in an accessible format phone 9096 8427 using the National Relay Service 13 36 77 if required, or email victorianseniorpractitioner@dhhs.vic.gov.au

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Department of Health and Human Services April 2020.

Available at <<https://www.dhhs.vic.gov.au/victorian-senior-practitioner>>