

Process map for disability services providers seeking authorisation for the use of restrictive practices

Under the Disability Rights, Inclusion and Safeguarding Act 2024, the Senior Practitioner regulates the use of all restrictive practices in Tasmania

Registration (Commonwealth)

- Both NDIS registered and unregistered disability services providers(provider) must seek authorisation from the Senior Practitioner to use restrictive practices in Tasmania
- A provider proposing to use restrictive practices is encouraged to obtain provider registration from the NDIS Commission
- registered provider can be found at:
 https://www.ndis.gov.au/provi

ders/becoming-ndis-provider

Information on becoming a

Disability Services Provider

Appointment of APO

- A provider identifies a suitable person for appointment as an APO prior to seeking authorisation for the use of restrictive practice from the Senior Practitioner
- A provider submits an application on the approved form to the Senior Practitioner to approve the appointment of the proposed APO
- The Senior Practitioner approves (with or without conditions), or refuses to approve, the appointment of the APO and advises the provider of the decision in writing
- If the provider is not satisfied with the decision, they can seek a review by the Senior Practitioner and/or TASCAT

Disability Services Provider

Behaviour Support Plan

- Provider identifies a behaviour of concern in a person with disability
- Provider ensures a
 Behaviour Support Plan is
 prepared by a behaviour
 support practitioner
- If the behaviour support plan does not identify the need for the use of restrictive practices, the provider proceeds to implement the plan
- If the behaviour support plan identifies a need for the use of restrictive practices, the behaviour support practitioner lodges the plan with the NDIS Commission and the provider applies for authorisation for the use of restrictive practices from the Senior Practitioner
- A Behaviour Support Plan must be reviewed every 12 months or when the person's circumstances change

Disability Services Provider

Authorisation of Restrictive Practice

- The APO identifies a suitable Independent
 Person. The APO must ensure the will and preference of the person with disability is taken into account
- The proposed Independent
 Person must be a person
 who is willing and able to
 explain the proposed use of
 the restrictive practice, as
 well as the person's rights
 (including the rights of
 review) to the person
- Provider submits an application to the Senior Practitioner for authorisation to use restrictive practices.
 The application must include the details of the APO, the proposed Independent Person, the behaviour support plan and other relevant material as specified in the application form
- The authorisation period cannot exceed 12 months
- Provider must report the use of unauthorised restrictive practices to the Senior Practitioner within 5 business days.

Office of the Senior Practitioner

- Staff from the OSP considers the application and consults with the person with disability
- The Senior Practitioner determines if they are, or are not, satisfied that Part 7 of the Act has been met
- The Senior Practitioner authorises (with or without conditions) or refuses to authorise the restrictive practice
- The Senior Practitioner
 provides written notification of
 their decision to the provider
 and to the person the
 application is about. The
 notification must be in a
 format that best supports the
 understanding of the person
- The Senior Practitioner notifies the Disability
 Commissioner of the decision within 5 days
- Provider lodges evidence of authorisation with the NDIS Commission
- Provider must report the use of authorised restrictive practices to the Senior Practitioner as requested
- If the provider is not satisfied with the decision, they can seek a review by the Senior Practitioner and/or TASCAT

