

## Restrictive Interventions in Services for People with Disability Policy

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| <b>SDMS Id Number:</b>                      | P16/000490  |
| <b>Effective From:</b>                      | November 2021   |
| <b>Replaces Doc. No:</b>                    | P16/000490 Restrictive Interventions in Services for People with Disability Policy – Version 2  |
| <b>Custodian and Review Responsibility:</b> | Disability Services Policy and Programs   |
| <b>Contact:</b>                             | Senior Practitioner, Disability and Community Services  |
| <b>Applies to:</b>                          | All disability service providers and funded private persons receiving National Disability Insurance Scheme (NDIS) and/or Disability and Community Services (DCS) funding. All managers and support staff. |
| <b>Review Date:</b>                         | August 2023   |
| <b>Keywords:</b>                            | Restrictive interventions, senior practitioner, disability, prohibited practices, environmental and personal restrictions   |
| <b>Routine Disclosure:</b>                  | Yes   |

### Approval

|             |   |              |            |
|-------------|---|--------------|------------|
| Prepared by | Senior Practitioner - Disability and Community Services       | 1300 135 513 | 11/11/2021 |
| Through     | Director - Disability and Community Services                  | 1300 135 513 | 16/11/2021 |
| Approved by | Deputy Secretary – Housing, Disability and Community Services | 1300 135 513 | 8/12/2021  |

This Policy may be varied, withdrawn or replaced at any time. Compliance with this directive is **mandatory** for the Department of Communities Tasmania. **PLEASE DESTROY PRINTED COPIES.** The electronic version of this Policy is the approved and current version and is located on the Agency's intranet. Any printed version is uncontrolled and therefore not current.

## Revision History

| Version | Approved by name                    | Approved by title                   | Amendment notes   |
|---------|-------------------------------------|-------------------------------------|---|
| 2       | Disability Services Executive Group | Disability Services Executive Group | Update to reflect full scheme National Disability Insurance Scheme (NDIS), the commencement of the NDIS Quality and Safeguards Commission and new NDIS guidelines on Prohibited Practices |
| 3       | Disability Services Executive Group | Disability Services Executive Group | Update to new NDIS guidelines on Prohibited Practices   |
| 4       | Name                                | Position Title                      |   |

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## Purpose

- Maximise the opportunity for positive outcomes for people living with disability.
- Reduce or eliminate the need for the use of restrictive interventions across the disability services sector and ensure increased transparency and accountability.
- Ensure that the inherent dignity and individual autonomy, including the freedom to make choices, of people with disability are respected.
- This policy and supporting documentation are complementary to, and does not override or replace, the requirements of the NDIS Quality and Safeguards Commission.

## Mandatory Requirements

- This is a state-wide policy and must not be re-interpreted so that subordinate policies exist. Should discrete operational differences exist, these should be expressed in the form of an operating procedure or protocol.
- **Failure to comply with this policy**, without providing a good reason for doing so, may lead to disciplinary action.
- Disciplinary action in this context may be a Penalty under the *Tasmanian Disability Services Act 2011* or may constitute a breach of NDIS registration.

This policy must be read in conjunction with the *Tasmanian Disability Services Act 2011*

- The *Tasmanian Disability Services Act 2011* provides the legislative basis for the provision of specialist disability services.
- Regulation of Restrictive Interventions is outlined in Part 6 of the *Tasmanian Disability Services Act 2011*.

This policy must also be read in conjunction with the *National Disability Insurance Scheme Act 2013* and all relevant NDIS Quality and Safeguards Commission rules, guidelines and policies.

- In particular and in relation to the use of restrictive interventions, providers who register with the NDIS Commission must comply with the guidelines '[Practices proposed to be prohibited](#)'
- Registered NDIS providers must also meet the [NDIS Practice Standards](#), including requirements for quality and safeguarding of the services and supports they deliver.

## Roles and Responsibilities/Delegations

Disability service providers and funded private persons must:

- Communicate to all staff that:
  - Restrictive interventions can be used as long as they have been authorised under sections 37 or 42 of the *Tasmanian Disability Services Act 2011*.
  - An unauthorised Restrictive Intervention is allowed to be used if the action is to prevent harm, is the least restrictive option and the Senior Practitioner is notified.

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- At all times follow and comply with common law known as ‘duty of care’ to protect the person with disability or others from harm.
- Report all emergency situations where a restrictive intervention is used as soon as possible to the Senior Practitioner.
- Maintain and uphold the rights of the people they support as outlined in the United Nation’s *Declaration on the Rights of Mentally Retarded Persons 1971*, the United Nation’s *Declaration on the Rights of Disabled Persons 1975*, and the United Nations *Convention on the Rights of Persons with Disability 2006*.
- Communicate to all staff:
  - The role and responsibilities of the Senior Practitioner established under the Tasmanian *Disability Services Act 2011* to protect these rights.
  - The primary functions of the Senior Practitioner, including the authorisation and monitoring of restrictive practices in NDIS and/or DCS funded services.

## Risk Implications

- Non- compliance with this policy will result in a breach under the Tasmanian *Disability Services Act 2011* and may breach NDIS registration requirements.
- Interests of all parties are not being maintained and any potential risks to those interests are not being mitigated.

## Training

- Disability service providers or a funded private person are to ensure that all staff, whether employees or volunteers are appropriately qualified and skilled and where appropriate, credentialed and registered.
- All staff, whether employees or volunteers are to be provided with adequate support, training, debriefing and directions to enable them to effectively perform their duties.

## Audit

- This policy will be included in the work program of the Department of Communities Tasmania (DoCT) Internal Audit function. This work program is approved by the Audit and Risk Committee and will assess underlying systems and procedures for compliance with the requirements of this policy. The overall focus of this assessment will be one of continuous improvement to DoCT activities.

## Attachments

- I. Restrictive Interventions in Services for People with Disability Procedure P2012/0177-005