

Process map on the role of the Independent Person

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

Disability Services Provider

Appointment of an APO

- If a disability services provider (provider) wants to use restrictive practices, they must appoint an Appointed Program Officer (APO)
- If a person with disability is behaving in a way that may harm themselves or others, a behaviour support practitioner is engaged and they prepare a behaviour support plan
- The behaviour support plan helps support a person with behaviours of concern
- If the behaviour support plan identifies a need for the use of restrictive practices, the behaviour support practitioner must lodge the plan with the NDIS Commission and the provider must apply for authorisation use of restrictive practices from the Senior Practitioner
- A restrictive practice is any action that restricts a persons rights or freedom of movement

Appointed Program Officer

Application to use Restrictive Practices

- When a provider applies to the Senior Practitioner to use restrictive practices, the APO identifies an Independent Person in the application
- An Independent Person is someone who is able to explain to the person with disability what the restrictive practice is and what their rights are
- In choosing an Independent Person, the APO must ensure the will and preference of the person with disability is considered
- The Independent Person must agree to act in the role
- The Independent Person cannot be an employee of the provider or the behaviour support practitioner
- If the APO is unable to identify a suitable Independent
 Person, they must notify the
 Senior Practitioner and the
 Senior Practitioner will appoint
 someone who has experience
 in working with people with
 disability

Independent Person

Independent Person

- The proposed Independent
 Person must be someone who
 is willing and able to explain
 the restrictive practice to the
 person, and tell them about
 their rights, including the rights
 of review
- Ideally, the Independent
 Person is a friend or family
 member of the person and has
 an interest in their wellbeing
- The Independent Person makes sure they communicate in a way the person understands, using their preferred way of communicating
- The Independent Person makes sure the person feels supported, safe, and comfortable when talking about the restrictive practice

Senior Practitioner

Authorisation of Restrictive Practice

- Provider submits the application and a copy of the behaviour support plan to the Senior Practitioner for authorisation to use restrictive practices
- If the Independent Person thinks the person cannot understand the restrictive practice, they can tell the Senior Practitioner
- 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
- If the person, the APO or the Independent Person is not satisfied with the decision, they can seek a review by the Senior Practitioner and/or TASCAT

Independent Person and APO

The Independent Person:

- helps the person to understand what the restrictive practice is, why it is needed, and how it will affect them
- makes sure the person understands their rights and can express their views, preferences, and concerns
- explains any change that is made to their behaviour support plan if the changes include something more restrictive

The APO:

- makes sure the restrictive practice is only used if it has been approved and is written in the behaviour support plan
- checks that the restrictive practice is the least restrictive option for the person
- makes sure the Independent Person has explained to the person what the restrictive practice is and that they have the right to ask for the decision to be reviewed

