

Provider Reporting Requirements

This document provides guidance to disability service providers on how to report the following to the Senior Practitioner:

- authorised restrictive practices
- unauthorised restrictive practices
- reportable incidents

Under the *Disability Rights, Inclusion and Safeguarding Act 2024* (the Act) a restrictive practice is any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with disability that is:

- a regulated restrictive practice within the meaning of the *NDIS (Restrictive Practices and Behaviour Support) Rules 2018* or
- a practice or intervention determined by the Senior Practitioner under section 45 of the Act to be a restrictive practice.

Restrictive practices include chemical restraint, environmental restraint, mechanical restraint, physical restraint, and seclusion. More information about restrictive practices, including fact sheets and guidelines, is available on the Office of the Senior Practitioner website: <https://www.dpac.tas.gov.au/divisions/cpp/community-and-disability-services/office-of-the-senior-practitioner>

All providers must report the use of restrictive practices to the Senior Practitioner. This applies whether or not the provider is registered with the NDIS Quality and Safeguards Commission. Reports must be made using the same rules and timeframes that registered providers follow when reporting to the NDIS Commission. Registered providers also have reporting obligations to the NDIS Commission.

Providers who deliver services to a person with disability who do not receive NDIS funding for those services still have reporting obligations to the Senior Practitioner. This includes services provided to individuals funded by other agencies, including the Department for

Authorised restrictive practices

Who must report?

All providers (both registered and unregistered NDIS providers) must report the use of authorised restrictive practices to the Senior Practitioner when it is required as part of the authorisation.

What must be reported?

Almost all authorisations include a condition about reporting. The two most common conditions are:

- The provider must report on the use of the authorised restrictive practices to the Office of the Senior Practitioner monthly
- The provider must provide the Senior Practitioner with a copy of any NDIS reportable incidents linked to the behaviour of concern or the use of restrictive practices, within the timeframes required by the NDIS.

The authorisation may include additional requirements for providing information to the Senior Practitioner. **Providers must read the authorisation conditions carefully to identify their reporting requirements.**

When must I report?

Providers must submit reports within the time frame described in the conditions of the authorisation. It is usually monthly.

What format must a report be in?

The Senior Practitioner does not require reports of authorised restrictive practices to be in a specific format. However, the following formats are preferred:

- If a provider is reporting to the NDIS Commission, they can download a spreadsheet (e.g. an CSV or Excel .xlsx file) of their report from the NDIS Commission portal. This Spreadsheet can be sent to the Senior Practitioner as a report of authorised restrictive practices.
- If a provider is not reporting to the NDIS Commission, or does not download the spreadsheet, they can use the reporting templates available on the Office of the Senior Practitioner website.

If a provider chooses not to use one of these options, they must ensure the report contains all information required by the conditions on the authorisation. The Senior Practitioner **will not accept images or screenshots** of other documents as a report.

Where should I send the reports?

Authorised restrictive practice reports must be sent to seniorpractitioner@dpac.tas.gov.au. The subject line of the email must clearly state that the email contains an *authorised restrictive practice report*. It is preferable that reports for multiple individuals are not sent in the same email.

Unauthorised restrictive practice reports must be sent in a **separate email**.

Unauthorised Restrictive Practices

Who must report?

All providers (both registered and unregistered NDIS providers) must report the use of unauthorised restrictive practices to the Senior Practitioner.

What must be reported?

If a provider uses a restrictive practice, and does not have authorisation from the Senior Practitioner, it must be reported.

A report to the Senior Practitioner about an unauthorised restrictive practice must include:

- the name of the provider using the restriction
- the date and location the restriction was used
- the type of restrictive practice used
- the reasons why the restrictive practice was used

When must I report?

Providers must report the use of unauthorised restrictive practices to the Senior Practitioner **within 5 business days** of it occurring. Failing to report the use of an unauthorised restrictive practice to the Senior Practitioner may be an offence.

If an application to use a restrictive practice has been lodged, the provider **must** still report the use of unauthorised restrictive practices while the application is being processed.

What format must a report be in?

The Senior Practitioner does not require reports of unauthorised restrictive practices to be in a specific format. However, the following formats are strongly preferred:

- If a provider is reporting to the NDIS Commission, they can download a spreadsheet (e.g. an CSV or Excel .xlsx file) of their report from the NDIS Commission portal. This Spreadsheet can be sent to the Senior Practitioner as a report of unauthorised restrictive practices.
- If a provider is not reporting to the NDIS Commission, or does not download the spreadsheet, they can use the reporting templates available on the Office of the Senior Practitioner website.

If a provider chooses not to use one of these options, they may use any other form currently used by the provider, as long as it contains all required information.

The Senior Practitioner will not accept images or screenshots of other documents as a report.

Where should I send the reports?

Unauthorised restrictive practice reports must be sent to seniorpractitioner@dpac.tas.gov.au. The subject line of the email must clearly state that the email contains an *unauthorised restrictive practice report*. It is preferable that reports for multiple individuals are not sent in the same email.

Authorised restrictive practice reports must be sent in a **separate email**.

NDIS Reporting and Reportable Incidents

Registered providers must submit monthly reports on the use of regulated restrictive practices to the NDIS Commission. This includes when a practice is not used.

It is a breach of the NDIS Rules for an unregistered provider to use regulated restrictive practices. The NDIS Commission can take a range of actions against breaches, including education, enforcement, or banning providers from operating in the NDIS market. In these circumstances, the Senior Practitioner would expect the provider to demonstrate that active steps are being taken to become a registered provider.

The *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018* (NDIS Reportable Incidents Rules) also require certain incidents that happen, or are alleged to have happened, in connection with the provision of supports or services by registered providers to be reported to the NDIS Commission. These are known as 'reportable incidents'.

The following reportable incidents, or allegations of these incidents, must be reported to the NDIS Commission within 24 hours of the registered provider becoming aware of the incident:

- the death of a person with disability
- serious injury of a person with disability
- abuse or neglect of a person with disability
- unlawful sexual or physical contact with, or assault of, a person with disability
- sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity
- the unauthorised use of a restrictive practice that has resulted in serious injury to a person with disability

Providers must also notify the Office of the Senior Practitioner of any NDIS reportable incidents that are relevant to behaviours of concern or the use of restrictive practices within 24 hours of the provider becoming aware of the incident.

For more information on NDIS reportable incidents, please refer to the NDIS Commission – Reportable incidents at: www.ndiscommission.gov.au/rules-and-standards/reportable-incidents-and-incident-management/reportable-incidents.