

# Personal Restrictions

## Background

This Fact Sheet provides practitioners, service providers and disability support workers with information about the authorisation and use of a personal restriction as applied to those who have a disability as defined in the *Disability Services Act (2011)*.

The reduction and even elimination of the use of restrictive practices is the ideal. Regardless of the intent of the use of restriction, there is significant evidence to demonstrate the inappropriate use of restrictive practices can lead to physical and psychological injuries and longer term implications (Australian Psychological Society, 2011).

## Definition of a personal restriction

Under Section 34 of the *Disability Services Act (2011)* -"Personal restriction, in relation to a person with a disability, means a restrictive intervention in relation to the person that consists wholly or partially of:

- (a) personal contact with the person so as to enable the behavioural control of the person
- (b) the taking of an action that restricts the liberty of movement of the person".

This includes the use of a person's body to restrict the movement of another as well as the use of devices such as straps to restrict a person's movement or to prevent them from self-injuring.

Any action that a worker may need to use to protect themselves from being hit or kicked that limits the movement of the hitting or kicking would be seen as a personal restriction. This would include situations where a worker's arms or legs were held away from their body to deflect a blow.

A restrictive intervention does not include an action that is taken for therapeutic purposes or enables safe transportation. Further information on this can be found in the '*Restrictive interventions not requiring authorisation*' and the '*Safe transportation*' Fact Sheets.



## Examples of a personal restriction

*A attends a day support centre that includes 20 other participants. A has an intellectual disability. A has a tendency to hit other people in the head when they get too close to her. Staff can see when this is about to happen and they grab hold of her hands and keep holding until the other person moves away. Staff do this to prevent injury to A and to the others around her.*

Other examples may include but are not limited to:

- the use of clothing to restrict movement for the purpose of controlling behaviour—for example jumpsuits, overalls, reversing garments so that openings are out of reach, using fasteners that cannot be opened by the person, using mittens to stop someone scratching
- protective holding or escorting
- the securing of a person to a bed or chair with restraint by some form of mechanical device including straps or clothing
- arm splints to prevent self-injury
- applying the brakes to a wheelchair to prevent a person from moving independently
- placing a wheelchair in a position that prevents the person from maneuvering it
- placing furniture or other items in order to block a person's movement
- locking front doors or gates

Personal restriction does not include personal assistance or physical prompting or support related to activities of daily living. Nor does it include a worker holding their arms in contact with their head to protect themselves from being hit.

## Can a personal restriction ever be considered?

Factors that are taken into account when considering the use of a personal restriction by a disability service provider or funded private person include:

- that it is in the best interests of the person with disability;
- the consequences to the person with disability if restrictive intervention of that type is carried out;
- any alternative methods reasonably suitable and able to be used;
- the nature and degree of risk if the intervention is carried out;
- whether the use of the intervention will promote or reduce the safety, health and well-being of the person with disability;
- whether the proposed intervention is the least restrictive on the person's freedom of decision and action as possible;
- as part of a positive behaviour support plan that promotes positive outcomes for the person and supports the reduction or elimination of restrictive practices.



It is important to note that any action that uses excessive force or is not taken to ensure the health, wellbeing or safety of a person with disability or others would be considered a form of abuse and as such would need to be investigated under your organisation's 'Preventing and Responding to Abuse' policy.

## Who can authorise the use of personal restrictions?

Under the *Disability Services Act (2011)* approval for the use of a personal restriction may be granted under certain conditions. Approval to use the personal restriction needs to be granted by the Guardianship and Administration Board, following a recommendation from the Senior Practitioner. The approval period can be either 90 days, 6 months or up to 2 years and may be subject to a number of conditions.

## Further Information

For further information, please refer to the following policies, procedures and fact sheets:

- [Disability Services Act 2011](#)
- 'Restrictive Interventions in Services for People with Disability' Guidelines (DCS, 2014)
- 'Senior Practitioner' fact sheet
- 'Restrictive interventions not requiring authorisation' Fact Sheet
- 'Safe transportation of people with behaviours of concern' Fact Sheet
- [Australian Psychological Society \(2011\)](#). 'Evidence-based guidelines to reduce the need for restrictive practices in the disability sector'.

## How do I contact the Senior Practitioner?

The Senior Practitioner is available to discuss any issues or concerns relating to the use or potential use of a personal restriction on the contact details listed below.

Applications for approval to use a personal restriction can only be written by a disability service provider or a funded private person and can be sent to the email address listed below.

Telephone: (03) 6166 3567 Mobile: 0428 197 474

Email: [seniorpractitionerdisability@communities.tas.gov.au](mailto:seniorpractitionerdisability@communities.tas.gov.au)

Web: [www.communities.tas.gov.au/disability/office-of-the-senior-practitioner](http://www.communities.tas.gov.au/disability/office-of-the-senior-practitioner)

Further information about Restrictive Interventions can be found on the Riset Tas link below.



**Access practice resources and restrictive intervention information via Riset-TAS online: [Riset-Tas Link](#)**

*Please note: The information contained in this document is provided as an initial guide only. It is not intended to be and is not a substitute for legal advice. Service providers should seek their own independent legal advice with reference to the implementation of the legislation.*