

## FACT SHEET - OFFICE OF THE SENIOR PRACTITIONER

# Unauthorised Use of Restrictive Intervention

## Background

Section 36 of the *Disability Services Act (2011)* states that 'the use of unauthorised restrictive intervention is prohibited', however service providers have a duty of care obligation to their staff and to the people they support to keep them safe.

This fact sheet has been developed to clarify when restrictive interventions that have not been approved under sections 38 or 42 of the *Disability Services Act (2011)*, can be used.

## When can I use an unauthorised restrictive intervention?

Section 36 (2) of the *Disability Services Act (2011)* states that an unauthorised restrictive intervention can only be used under the following conditions:

- To protect a person with disability, a worker or another person from harm and;
- The action used is the least restrictive option (i.e. least amount of force for the least amount of time) and

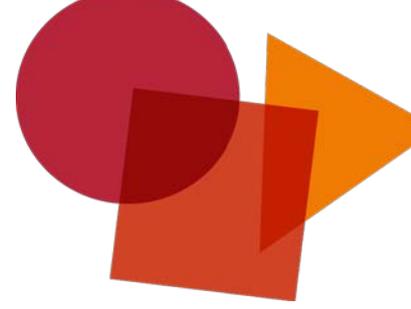
The Senior Practitioner is notified as soon as possible (ideally within one working day) – the form to use can be found at:

- <https://www.communities.tas.gov.au/disability/office-of-the-senior-practitioner>
- The OSP will also accept a pdf copy of the NDIS Commission's 'reportable incident' form as valid notification under section 36 of the Act.

## Some examples

### Personal Restrictions

- Holding a person's arm in a café to stop them grabbing someone else's cup of coffee;
- Holding someone's shoulders and 'steering' them away from a person they want to hit;
- Pulling on a person's belt to stop them wandering onto a busy road;
- Holding your arm up to prevent being hit by someone you support;
- Grabbing a person's arm to stop them from hitting someone else;



## Environmental Restrictions

- Restricting use of the internet at night where the person is engaging in risky behaviour online with strangers.

## What else do I need to consider?

Section 4 of the Disability Services Act (2011) lists three types of restrictive intervention that do not need approval and therefore they cannot be treated as an 'unauthorised action'.

These are:

- actions for therapeutic purposes,
- actions for safe transportation and
- actions authorised under other legislation.

For more information see the Fact Sheet – 'Restrictive Interventions not requiring Authorisation';

Where an unauthorised restrictive intervention has been used frequently and all the conditions of Section 36 (2) of the *Disability Services Act (2011)* have been met the Senior Practitioner may contact you to offer assistance to the support team or recommend the appointment of a behaviour support practitioner to review or develop a positive behaviour support plan.

## How do I contact the Tasmanian Senior Practitioner?

The Tasmanian Senior Practitioner is available to discuss any issues or concerns relating to the use or potential use of a restrictive intervention on the contact details 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 **RISSET-TAS** online: [RISSET-Tas Link](#)



## 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
- 'Personal Restrictions' Fact Sheet
- 'Environmental Restrictions' Fact Sheet

*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.*