

Applications for Approval to use a Restrictive Interventions:

A Guide for Disability Support Providers

Senior Practitioner – August 2020

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Introduction

This package is designed for those considering the need to use of a Restrictive Intervention.

The package is designed to be worked through to help determine which pathway you are required to follow and what documentation you will be required to provide if you decide to make an application for the use of a Restrictive Intervention.

The checklist at the end of the document will also help you determine if your application is ready for forwarding, or if additional information needs to be collected or a referral made.

If you have any questions, contact details are provided at the end of the documentation.

Please work through the checklist at the end of the documentation to ensure your application will be complete.

Please note:

- Environmental and personal restrictive interventions require APPLICATION for approval for use.
- The following practices require NOTIFICATION to the Senior Practitioner but not approval:
 - Interventions in place for safe transportation
 - Interventions required for therapeutic reasons

Environmental Restrictions

Fact Sheet

Background

This Fact Sheet provides practitioners, service providers and disability support workers with information about the authorisation and use of environmental restrictions 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 environmental restriction

Under Section 34 of the *Disability Services Act (2011)* –‘Environmental restriction, in relation to a person with disability, means a restrictive intervention in relation to the person that consists of the modification of an object, or the environment of the person, so as to enable the behavioural control of the person but does not include a personal restriction’.

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 fact sheets ‘*Restrictive interventions not requiring authorisation*’ and ‘*Use of Restrictive Interventions and defining ‘therapeutic’*’

Essentially, lack of free access to all parts of a person's environment is defined as an environmental restriction.

Other examples may include but are not limited to:

- restricted access to valued items or activities as a method to control behaviour
- increasing supervision as a means of controlling behaviour or managing risk
- locking cupboards, fridges, barriers preventing access to kitchen, locking access to food items

Can environmental restrictions ever be considered?

Attention may be given for the use of an environmental restriction for use by a disability service provider or funded private person under the following considerations:

- that it is in the best interests of the person with disability
- the consequences to the person with disability if a 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
- as part of a positive behaviour support plan that promotes positive outcomes for the adult and supports the reduction or elimination of restrictive practices.



Who can authorise the use of environmental restrictions?

Under the *Disability Services Act (2011)* approval for the use of an environmental restriction may be granted under certain conditions. Approval for the use of an environmental restriction is obtained from the Secretary of the Department of Communities Tasmania, following a recommendation from the Senior Practitioner. The approval period is 90 days and may be subject to a number of conditions.

Who can authorise the use of restricting access to food?

Restricting access to food in an environmental restriction under the *Disability Services Act (2011)*. Approval for the use of an environmental restriction is obtained from the Secretary, following a recommendation from the Senior Practitioner. The approval period is 90 days and may be subject to a number of conditions.

Further Information

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)
- 'Locking of Fridges and Pantries' Fact Sheet
- 'Restrictive interventions not requiring authorisation' 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 Tasmanian 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 an environmental 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

Web: 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.



Personal Restrictions

Fact Sheet

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 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 manoeuvring 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?

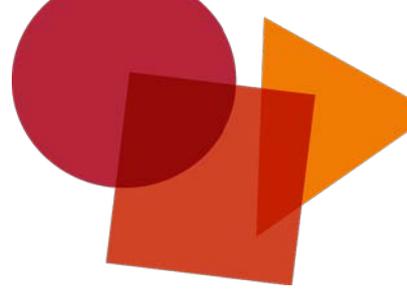
Factors that are taken into account when considering the use of a personal restriction by a disability service provider or funded private person include:

- 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 a personal restriction?

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)
- ‘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.

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Email: seniorpractitionerdisability@communities.tas.gov.au

Web: www.communities.tas.gov.au/disability/office-of-the-senior-practitioner

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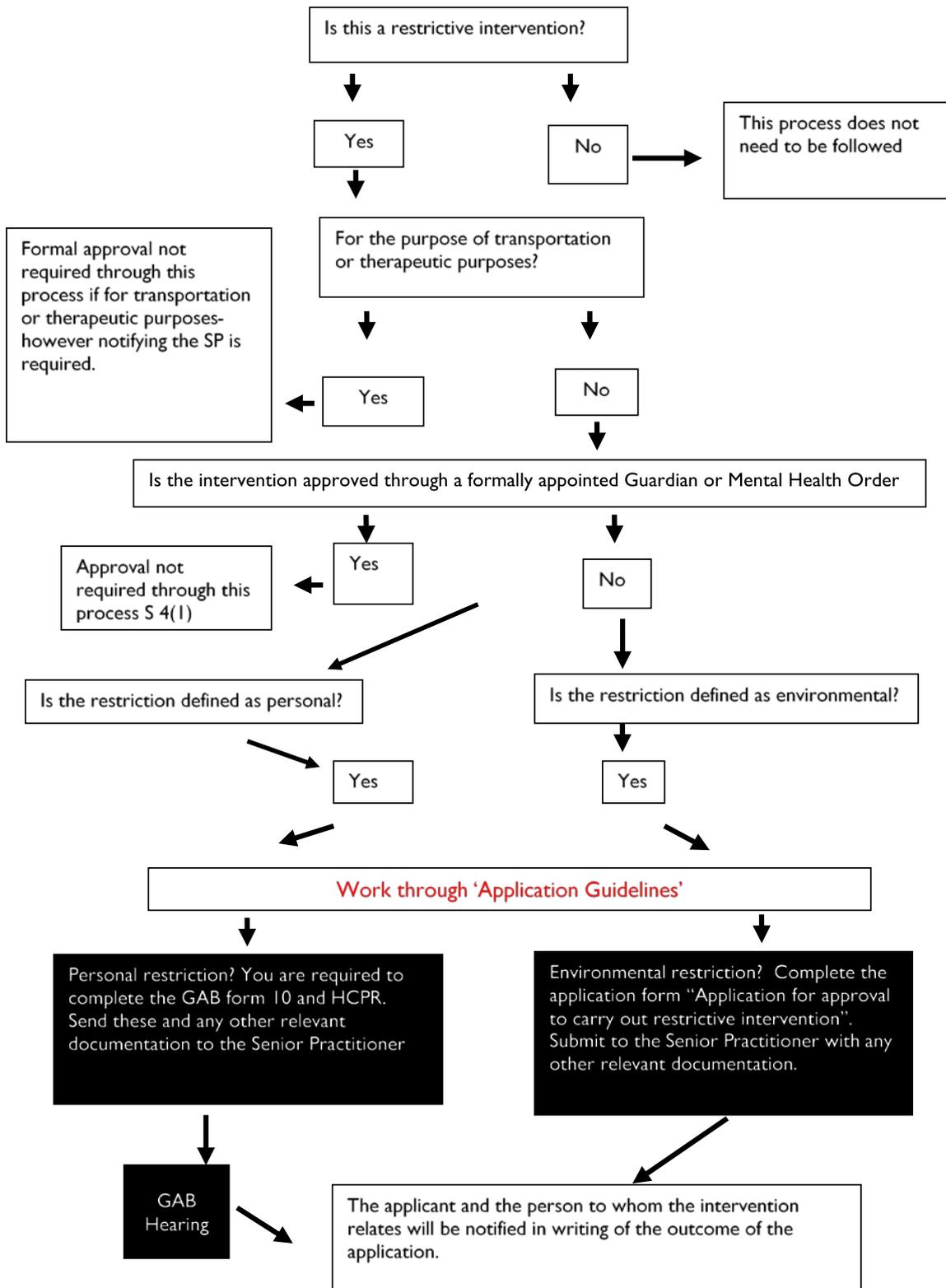


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Application Process for Planned Use of Restrictive Intervention

**If you are having trouble accessing this information, please contact the Senior Practitioner.*





Applications to use Restrictive Interventions - Frequently Asked Questions

We think we need to use a restrictive intervention for one person in a group home, but it will inadvertently affect the others in the house. What should we do?

If after examining alternatives (e.g. alternatives to the intervention, alternative accommodation environments etc) you feel application is still required; you will need to demonstrate how the effect of the intervention will be minimised for others in the house. For example, if the application is for approval to lock the front door to the home, you will need to explain to the others they can leave, they just need to ask for the door to be unlocked or have their own key. If the other residents lack sufficient skills, then protocols need to be developed to maintain their right of access to the community (see next section).

Why do we need to apply for the use of a restrictive intervention?

Our aim is to protect the people we are supporting, their families and supporters. Our aim is to improve practices in relation to restrictive interventions and the use of behaviour management techniques that may obviate the need or minimise the need for restrictive interventions.

What makes a good support plan?

A good support plan includes all the elements as outlined in the link below. This includes elements for implementation and monitoring of the plan- see “Factsheet- *Evaluation Criteria*”.

www.communities.tas.gov.au/disability-community-services/senior_practitioner

Why is there so much focus on the need for a behaviour support plan?

A behaviour support plan can help to identify the function of a behaviour of concern. Research suggests if we know why a person uses a behaviour we can reduce the behaviour by half.

The focus of a behaviour support plan is positive behaviour support. Research indicates we can reduce behaviour of concern by around 80 per cent if we use positive behaviour support. This should in turn lead to a decrease in amount of restrictive interventions used. In addition, the NDIS Q&S Commission requires providers to organise for a BSP to be developed if a restrictive intervention is being used.

How to I apply for the use of a restrictive intervention?

If you are proposing a personal restriction you will need to complete the Guardian and Administration Board form 10. If you are proposing an environmental restriction you can complete the form titled “Application for approval to carry out a restrictive intervention”. In both cases, you will also need to contact the Senior Practitioner.

What happens at the end of the approval period – e.g. 90 days for an environmental restriction?

If the intervention is still required, you will need to re-apply for its use. If you don't want a break in approval periods you will need to re-apply for the use of the intervention prior to the expiry of the 90 days. Approval periods for the GAB vary from 3 months to 2 years.

What happens if we use a non-approved restrictive intervention-for example, grab someone to stop them running on the road?

The Act states that the Senior Practitioner must be notified as soon as practicable after the event. This applies even if the intervention was used for reasons of duty of care. The 'Use of Unauthorised Restriction' form can be found on the Senior Practitioner webpage.

What if an appointed guardian says the use of a restrictive intervention is OK.

If the intervention is authorised under any enactment relating to guardianship, then approval is not required through the *Disability Services Act 2011*. However, the NDIS Q&S Commission will still require providers to report to them any use of a restrictive intervention approved by a Guardian.

What if the practice is intended for safe transportation? E.g. a buckle guard?

The definition of 'restrictive intervention' does not include an action that is taken to enable the safe transportation of a person, therefore this does not require formal approval. However, the Disability Services' *Restrictive Interventions Guidelines 2014* state that the Senior Practitioner must still be consulted prior to implementing such a practice. Providers still need to contact the Commission to check whether or not any reporting to them is required.

What if I have a question about whether something is a restrictive practice- or not, or a general enquiry?

You are welcome to email or phone the Senior Practitioner. The fact sheets on the website may also be able to answer your question.

Telephone: 61663567

Mobile: 0428 197 474

Email: seniorpractitionerdisability@dhhs.tas.gov.au

Web: www.communities.tas.gov.au/disability-community-services/senior_practitioner



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Protocol Template

Name of Organisation

Organisation's
Logo

Protocol Template

Name of Contact and Agency:	
Protocol Description:	
Name of Person Protocol relates to:	
Protocol Date:	
List of Related Documentation:	
Background/Context <u>ie</u> Why is this Restrictive Practice in place?	
Protocol/Procedure described (please list)	<ul style="list-style-type: none">••••
Review Date	
Protocol Training Schedule for Staff:	
Signature:	

Example of a De-Identified Protocol

Protocol for locking food cupboards/fridge

Name of Contact and Agency:	Acme Support Services
Protocol Description:	Locking of food cupboards/fridge
Name of Person Protocol relates to:	John Smith
Date of Birth	16/8/1998
Protocol Date:	24/03/2019
List of Related Documentation:	Personal Profile, Communication assessment, Meal Management Plan
Background/Context (ie Why is this Restrictive Practice in place?)	<p>John has a meal management plan which recommends that staff supervise his eating as he tends to over fill his mouth and eat too quickly which becomes a choking risk even with small quantities of food. He also cannot discriminate between safe and unsafe food. (e.g. he will eat raw meat stored in the fridge).</p> <p>To keep John safe, cupboards where food is stored must be locked at all times.</p>
Protocol/Procedure described:	<p>John can be relied upon to request food and drink when he needs it.</p> <p>He will come and grab a worker's hand and point them towards the cupboard if he wants something to eat.</p> <p>John will also choose sometimes to use his communication cards to indicate he wants something to eat</p> <p>Staff will respond immediately if John indicates he wants to have a drink or some food at any time.</p> <p>If staff can't respond straight away, then negotiate with John about when they can respond.</p> <p>Other residents' requests for food or drinks should also be responded to as above.</p>
Review Date:	24/03/2020



Protocol Training Schedule for Staff:

Buddy new staff as part of induction so they are aware of and can implement the protocol. Use of this protocol will be reviewed and discussed at monthly staff meetings.

Consistency check (verbal) will be carried out at every staff meeting and the data recorded.

Staff to support John with skill development re eating slowly

Signature (Team Leader):

Example of a Consistency Checklist

Criteria	Score
Can explain reason for the restriction:	
<ul style="list-style-type: none"> John can over fill his mouth and eat too quickly which becomes a choking risk. He can eat raw meat stored in the fridge 	
Can explain steps in the protocol:	
<ul style="list-style-type: none"> John can come and grab a worker's hand and point them towards the cupboard if he wants something to eat. 	
<ul style="list-style-type: none"> He sometimes uses communication cards to indicate he wants some food 	
<ul style="list-style-type: none"> Staff are to respond immediately to John if he requests access to the fridge or cupboard 	
<ul style="list-style-type: none"> If staff can't respond straight away, then negotiate with John about when they can respond 	
<ul style="list-style-type: none"> Other residents' requests for food or drinks should also be responded to as above. 	

Initials of staff member: _____

DATE: _____

Score Achieved:

Score Possible:

Percentage of Score Achieved to Score Possible:



Forms

Application forms for Approval to Carry-out Restrictive Intervention (environmental restrictions) and Reporting use of Unauthorised Restriction can be found at:

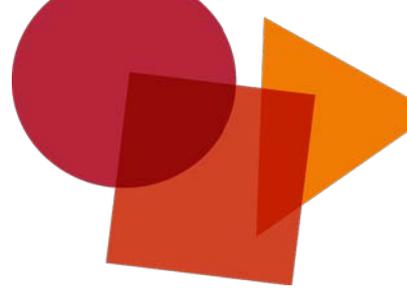
www.communities.tas.gov.au/disability-community-services/senior_practitioner

The Guardianship and Administration Board – Form 10 and Health Professional Report Form for use to approve personal restrictions can be found at:

<http://www.guardianship.tas.gov.au/forms2>

Supporting Information to be provided with Application when applying to use a Restrictive Intervention

	Checklist	Tick box
1	Personal Profile / contact details of person to which the Restrictive Intervention applies	
2	Have you discussed with client's Nominated Person (e.g. family member, Advocate).	
3	Brief description of Person's Behaviour that leads to the need to use a Restrictive Intervention (e.g. What does the behaviour look like; How often does it occur; In what environments does this occur; What is the impact of behaviour on the client; What is the impact of the behaviour on others?).	
4	Description of Restrictive Intervention (e.g. Indicate if this practice is Environmental or Personal).	
5	Description of impact of Restrictive Intervention on others	
6	Evidence supporting application: <ul style="list-style-type: none"> • Allied Health Professional Reports • GP report • Behaviour Intervention Plan • Specialist reports • Person responsible opinion 	
7	Alternative interventions trialled (e.g. different clothing; avoiding situations; distraction; staff education and training).	
8	Results of trials i.e - worked/didn't work - links to point seven.	
9	Protocol for use of Restrictive Intervention - (see example in package)	
10	Evidence of staff knowledge and understanding of protocol.	
11	Options available to the person and others affected by Restrictive Intervention that mitigate restriction e.g. - visual choice boards to ask for items in a locked fridge.	
12	Are similar interventions in place for the client in other services accessed by the client – include relevant information.	



Contact Details

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Department of Communities Tasmania

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