



Implementing providers: Facilitating the development of behaviour support plans that include regulated restrictive practices

This guide explores how through practical and regular action providers can meet their obligations to take all reasonable steps to facilitate development of behaviour support plans within prescribed timeframes. This guide also looks at how maximising use of their existing record keeping systems can help providers demonstrate they are taking all reasonable steps.

Requirements for implementing providers

The NDIS Commission is focusing on providers using regulated restrictive practices but not complying with their obligations to take all reasonable steps to facilitate the development of behavior support plans that cover the use of those practices.

The [NDIS \(Restrictive Practices and Behaviour Support\) Rules 2018 \(Behaviour Support Rules\)](#) require providers, as a condition of registration, to *take all reasonable steps* to facilitate the development of behaviour support plans by a specialist behaviour support provider within the following timeframes¹:

- An **interim plan** within 1 month after the first use of the regulated restrictive practice
- A **comprehensive plan** within 6 months after the first use of the regulated restrictive practice.

Examples of some reasonable steps

What constitutes taking all reasonable steps to facilitate development of a behaviour support plan will depend on the circumstances. Broadly speaking, it will involve sustained and regular activities that are directed at practically facilitating the plan's development. It will involve anticipating and taking persistent action to overcome delays and barriers that may arise.

Below are examples of what those reasonable steps might include, noting that **all** reasonable steps must be taken.

¹ See sections 11(2), 12(2) and 13(2) of the National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018.

Contributing to successful plan development directly by:

- working with the participant and/or their representatives as well as their support coordinator to expediently engage a specialist behaviour support provider/NDIS behaviour support practitioner ('practitioner') to develop the behaviour support plan;
- encouraging specialist behaviour support providers to meet the regulated deadlines for their development of interim and comprehensive plans;
- having ongoing and regular engagement with the participant, support coordinator, practitioner, direct service staff, mainstream service providers and other NDIS providers to inform the development of the behaviour support plan;
- having ongoing and regular engagement with the participant and/or their representatives to seek an NDIS plan review with the NDIA to obtain further funding for development of a behaviour support plan, if appropriate;
- making direct contributions to the development of the behaviour support plan and undertaking of associated assessments;
- making sure staff with the necessary skills are available to collaborate with the behaviour support provider/practitioner to develop the behaviour support plan.

Coordinating aspects of the plan's development by:

- supporting the behaviour support provider/practitioner to gather information and data for behaviour support assessments;
- undertaking advanced planning for authorisation of the behaviour support plan (if it requires authorisation) and following-up with the authorisation agency to ensure timely authorisation of the plan;
- engaging and communicating regularly with authorising bodies to secure decisions within regulated deadlines,
- working with Local Area Coordinators, the NDIA or the NDIS Commission to gain assistance when barriers to development of a behaviour support plan are not able to be addressed;
- enabling contributions from mainstream service providers in the development of an interim plan and/or comprehensive plan;
- actively and regularly monitoring the progress of the development of the behaviour support plan;
- actively and regularly following-up with the behaviour support provider/practitioner and the authorising body to ensure timely completion, submission and authorisation of the plan;
- actively and promptly progressing referrals of the participant to other NDIS providers for support, medical and allied health specialists or other NDIS provider and subsequent reports or assessments.

Records can help to demonstrate all reasonable steps are being taken

Effective record keeping supports providers in demonstrating compliance with their obligation to take all reasonable steps to facilitate plan development within the applicable prescribed timeframe. The Behaviour Support Rules require providers to keep written information related to their use of regulated restrictive practices².

² Section 15 of the National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018

Providers are encouraged to think of ways to use their existing systems to record all the steps taken that are directed at practically facilitating the development of a behaviour support plan.

Types of records or documents that may help to demonstrate reasonable steps have been taken include:

- a completed interim or comprehensive behaviour support plan;
- a NDIS Commission Portal plan ID for an interim or comprehensive behaviour support plan demonstrating lodgement of the plan within the applicable prescribed timeframe;
- any records or documentation that demonstrate the taking of examples of reasonable steps provided in the previous section.

Further information

For further information about restrictive practices, behaviour support or complying with the Behaviour Support Rules, please visit the [NDIS Commission website](#) or:

Call: 1800 035 544 (free call from landlines). Our contact centre is open 9.00am to 4.30pm in the NT, 9.00am to 5.00pm in the ACT, NSW, QLD, SA, TAS and VIC Monday to Friday, excluding public holidays.

Email: behavioursupport@ndiscommission.gov.au