



# Implementing Provider Checklist:

## Requirements when implementing Behaviour Support Plans

Implementing providers are NDIS providers who, in the course of delivering NDIS supports, implement behaviour support plans and/or use regulated restrictive practices.

This document promotes best practice around the implementation of behaviour support plans. It outlines requirements for the use of regulated restrictive practices and summarises the conditions of registration that apply to implementing providers. It also aims to assist implementing providers with reviewing and improving their practices, and to meet their obligations with legislative requirements. Implementing providers and workers are encouraged to use this tool to assist with compliance and continuous improvement.

### What is a Behaviour Support Plan (BSP)?

A BSP is a document developed by an NDIS Behaviour Support Practitioner (NDIS practitioner) and prepared in consultation with the person with disability (the participant), their family, carers, and other support people. The BSP contains person-centred, proactive, and evidence-informed strategies to enhance the participant's quality of life. It addresses the needs of the participant and reduces the likelihood and impact of behaviours of concern.

A BSP can either be interim or comprehensive.

#### Interim BSP

An interim BSP is a short document that focuses on safeguarding and risk mitigation whilst a functional behavioural assessment is undertaken and a comprehensive BSP is developed. It clearly describes the behaviours of concern and includes protocols to follow to minimise the risk of harm. It also identifies if, when and how any regulated restrictive practices are to be applied.

#### Comprehensive BSP

A comprehensive BSP is a holistic document, based on a behaviour support assessment. It addresses the underlying function(s) of the participant's behaviour of concern and where appropriate, identifies functionally equivalent replacement behaviours. It outlines any environmental changes required, provides skill development opportunities and includes response strategies to be followed when the behaviour(s) of concern occurs. It also identifies if, when and how any regulated restrictive practices are to be applied and includes fade out strategies to promote their reduction and elimination over time.

The development of a BSP is determined by the participant's immediate and/or current need for a BSP, not solely by the presence or absence of a restrictive practice.

## What is a Regulated Restrictive Practice (RRP)?

The NDIS Act (2013) defines a restrictive practice as ‘any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with disability’. Restrictive practices are regulated if they involve any of the following:

- Seclusion
- Chemical Restraint
- Mechanical Restraint
- Physical Restraint
- Environmental Restraint

The decision to use a restrictive practice needs careful clinical and ethical consideration, taking into account the participant’s human rights and the right to self-determination. Restrictive practices should only be used in response to behaviours that present a risk of harm to the participant and/or others, and within a positive behaviour support framework that includes proactive, person-centred, and evidence-informed interventions.

## Requirements when Implementing Behaviour Support Plans

NDIS providers must adhere to a range of requirements when implementing RRP and BSPs. These are outlined in the following suite of Rules and Guidelines:

- [National Disability Insurance Scheme Act 2013](#)
- [NDIS \(Code of Conduct\) Rules 2018](#)
- [NDIS \(Provider Registration and Practice Standards\) Rules 2018](#)
- [NDIS \(Quality Indicators for NDIS Practice Standards\) Guidelines 2018](#)
- [NDIS \(Restrictive Practices and Behaviour Support\) Rules 2018](#)
- [NDIS \(Incident Management and Reportable Incidents\) Rules 2018](#)

## Additional Recommended Resources

There are a range of resources available on the [NDIS Commission website](#) to support NDIS Providers who may implement behaviour support plans. These include [Guides and Resources](#), [Portal Quick Reference Guides](#), frameworks ([Positive Behaviour Support Capability](#) and [NDIS Workforce Capability](#)), and [Quality Practice](#).

## Implications

The requirements outlined in this document include conditions of registration imposed on registered NDIS providers under sections 73F, 73H and 73J of the NDIS Act (2013). The NDIS Quality and Safeguards Commission (**NDIS Commission**) will take [strong and decisive regulatory action](#) against those who fail to comply with a condition of registration under sections 73J and 73V of the NDIS Act.

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# Implementing Provider Checklist

Participant name	NDIS Participant number
<input type="text"/>	<input type="text"/>
Name of Implementing NDIS Provider	NDIS Provider Registration ID
<input type="text"/>	<input type="text"/>
Type of BSP (interim/comprehensive)	Date of BSP
<input type="text"/>	<input type="text"/>
Checklist completed by	Date checklist completed
<input type="text"/>	<input type="text"/>

Tick items as you progress, noting the sequence of events might not always be in the order outlined in this checklist, and in some circumstances certain steps might be redundant. There is a place for you to write additional notes and any follow up actions at the end of the checklist.

## Identifying the need for and facilitating the development of a BSP

1. Take steps to facilitate the development of an interim BSP, if through the presenting behaviour, there is a risk of harm to the participant and/or others.
2. Take steps to support functional behaviour assessment and development of a comprehensive BSP, if the participant's quality of life is being adversely impacted by unmet needs or behaviours.
3. If RRP has been, and is likely to be used, on an ongoing basis and is not otherwise in accordance with an existing BSP:

Take all [Reasonable Steps](#) to facilitate the development of the interim BSP within one month after the first use of the RRP.

Take all [Reasonable Steps](#) to facilitate the development of the comprehensive BSP within six months after the first use of the RRP.

*Note: If RRP has been, or is, used in the absence of behaviours that present a risk of harm to the participant and/or others, it must be ceased.*

4. Keep records of the steps taken to facilitate the development of a BSP.
5. Provide the participant with [Information about Positive Behaviour Support](#) and assist them with the engagement of a suitable NDIS practitioner.

**6.** Support the participant to make decisions about their supports consistent with a human rights and supported decision-making framework. For example, this could involve using [Deciding with Support Tool Kit](#).

**7.** Where the participant does not have funding for behaviour support, provide them with support to obtain a review of their NDIS plan.

**8.** Support the NDIS practitioner with development of a BSP that:

Minimises the risk to the participant or others.

Is appropriate to the participant's needs.

Incorporates evidence informed practice.

Complies with relevant Commonwealth, State and Territory laws and policies.

**9.** Collaborate with the NDIS practitioner and other support providers, as appropriate, to gather information for the functional behaviour assessment and other relevant assessments. This may include identifying key stakeholders, capturing data, releasing staff for discussions with the NDIS practitioner or scheduling medical reviews.

**10.** Critically examine the BSP to ensure it meets all requirements. Where required, work in partnership with the NDIS Practitioner to make necessary changes before [activating the plan in the NDIS portal](#).

## Practices that Present High Risk of Harm

**Note:** These practices are outlined in the NDIS Commission [Position Statement on Practices that Present High Risk of Harm](#). They include specific forms of physical restraint and punitive approaches that are associated with adverse, even catastrophic outcomes for participants, such as long-term psychological or physical injury and death.

**11.** Practices that Present High Risk of Harm cannot be used. Should the use of these practices be identified then the practices must:

Cease immediately.

Be replaced with proactive and evidence-informed alternatives, based on risk assessment.

## Using Regulated Restrictive Practice(s)

**12.** A provider must be registered if, during the provision of the supports, there is, or is likely to be, an interim or ongoing need to use an RRP in relation to the participant. This includes completing an audit against Module 2A: Implementing BSPs.

**13.** Where the ongoing need for the use of RRP is identified, work with the NDIS practitioner to ensure protocols or procedures are included in the BSP (including what RRP are to be used, when, why, how and by whom).

**14.** RRP must only be used in accordance with the NDIS Act and Rules, other Commonwealth legislations and policies, and as stipulated in legislation and/or policy in your state or territory. This includes:

In accordance with the BSP.

As a last resort, after all other person-centred, evidence-informed strategies have been exhausted.

For the shortest period of time.

To minimise the risk of harm to the participant and/or others.

As the least restrictive option, proportionate to the risk of harm and/or potential negative consequences, in any given circumstances.

**15.** Following the use of an RRP take immediate steps to ensure that any health, safety, and wellbeing needs of the participant and others are considered and addressed where required.

**16.** Where the use of an RRP results in a serious incident, notify the police and/or any other agency with responsibilities in relation to the wellbeing or safety of the participant, as per your obligations.

**17.** Record information related to each use of an RRP, including following details:

The date and time the RRP was used (including start and end time).

The place the RRP was used.

Details of involved parties.

The behaviour that led to the use of the RRP.

The actions taken leading up to the use of the RRP, including less restrictive options or any other strategies to prevent the need for the use of the RRP.

The impact on and any injury, or harm, caused to the participant and/or others.

Any actions taken in response to the use of the RRP.

**18.** If the use of an RRP is also a reportable incident (i.e., emergency or unauthorised RRP), you must submit a notification of a reportable incident to the NDIS Commission within 5 business days.

*Note: If the use of an RRP (authorised or otherwise) results in a serious injury to the participant, this constitutes a reportable incident that must be submitted to the NDIS Commission within 24 hours.*

## Obtaining Authorisation for the Use of Regulated Restrictive Practice(s)

**19.** Obtain authorisation, in accordance with the authorisation process and requirements in your State or Territory, as soon as reasonably practicable.

**20.** Lodge evidence of authorisation with the NDIS Commission as soon as reasonably practicable after it is received. This involves attaching the evidence to the BSP in the NDIS Commission portal.

## Implementing, Monitoring and Reviewing a Behaviour Support Plan

**21.** Ensure that each participant's BSP is implemented effectively to meet their behaviour support needs.

**22.** Enable the NDIS practitioner to facilitate individualised BSP training so that all staff, who are likely to implement the plan, are trained in the use of individualised strategies contained within that plan, including the appropriate use of RRP, where required.

**23.** Develop and maintain policies and procedures that support the implementation of the BSP and align support delivery with positive behaviour support and evidence-informed practice.

**24.** Regularly monitor the BSP to ensure that the plan supports participant's needs and the reduction and elimination of the use of RRP. This may involve a combination of formal and informal approaches, including feedback from the participant, other data collection and record keeping.

**25.** Maintain communication with the NDIS practitioner and notify them if there has been a change in circumstances that requires the behaviour support plan to be reviewed.

**26.** Ensure that workers are competent in relation to their role, hold relevant qualifications and have relevant expertise and experience to provide person centred support.

**27.** Provide workers with access to ongoing training and supervision to further their skills and competency.

**28.** Support the participant, using supported decision-making principles, to participate in the implementation of their own BSP, including monitoring and review.

**29.** Record information related to incidents involving the participant and review the incidents, considering the views of the affected participant in your assessment:

Could the incident have been prevented?

How well was the incident managed and resolved?

What, if any, remedial action needs to be undertaken to prevent further similar incidents from occurring, or how can their impact be minimised?

**30.** Debrief following any incident, involving all parties, and conduct post-incident reviews with all key parties, including the participant. Ensure that relevant information, including any outcomes, are well documented.

*Note: Any incident that constitutes a reportable incident, including emergency or unauthorised use of an RRP, must be reported to the NDIS Commission within legislated timeframes.*

**31.** Support the NDIS practitioner to conduct a regular BSP review to ensure it reflects the participant's needs, improves their quality of life, and supports their progress towards positive change, including the reduction and elimination of RRP.

## Reporting on the use of Regulated Restrictive Practice(s) to the NDIS Commission

**32.** Submit monthly reports regarding the use of each RRP listed in the lodged BSP, as per [Portal User Guide](#).

**33.** Submit a notification regarding emergency and/or unauthorised use of an RRP via the Reportable Incidents function, as per [Immediate Notification](#) and [5-Day Notification](#).

## Notes and Actions