



Engaging contractors: Specialist behaviour support providers

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What is the issue?

Sometimes a specialist behaviour support provider may engage contractors to deliver specialist behaviour support services on their behalf to NDIS participants. This can raise questions about the provider's obligations.



Why this position matters

In accordance with the [Provider Registration and Practice Standards Rules*](https://www.legislation.gov.au/F2018L00631/latest/text), a person must be registered under section 73E of the [NDIS Act†](https://www.legislation.gov.au/C2013A00020/latest/text) to provide specialist behaviour support services to a participant if the person will as part of the provision of services:

- a) undertake a behaviour support assessment (including a functional behaviour assessment) of the participant; or
- b) develop a behaviour support plan for the participant.

Under the [Behaviour Support Rules‡](https://www.legislation.gov.au/F2020C01087), the registration of a specialist behaviour support provider is subject to the condition that specialist behaviour support services are provided by an NDIS behaviour support practitioner. These Rules apply even when developing behaviour support plans that do not include a regulated restrictive practice.

The Behaviour Support Rules define an 'NDIS behaviour support practitioner' as 'a person the Commissioner considers is suitable to undertake behaviour support assessments (including functional behavioural

* <https://www.legislation.gov.au/F2018L00631/latest/text>

† <https://www.legislation.gov.au/C2013A00020/latest/text>

‡ <https://www.legislation.gov.au/Details/F2020C01087>

assessments) and to develop behaviour support plans that may contain the use of restrictive practices’.

The NDIS Commission considers an applicant’s suitability as an NDIS behaviour support practitioner against the [Positive Behaviour Support Capability Framework](#)^{*} and the [Behaviour Support Practitioner Application Guidelines](#)[†].

Until an individual has been considered suitable to be an NDIS behaviour support practitioner by the Commissioner, they cannot undertake behaviour support

assessments (including functional behaviour assessments). Nor can they develop behaviour support plans in the delivery of NDIS-funded supports and services, even under supervision.

The NDIS behaviour support practitioner must also be:

- ◆ engaged by a registered specialist behaviour support provider; or
- ◆ registered themselves as a specialist behaviour support provider (for example, a sole trader).

What the NDIS Commission says

In these circumstances, the specialist behaviour support provider remains at all times responsible for ensuring compliance with all requirements concerning the delivery of specialist behaviour support services by the contracted individual(s). Such requirements include those set out in the [Behaviour Support Rules](#)[‡], and Schedule 3 (Module 2: Specialist Behaviour Support) of the [Provider Registration Rules](#)[¶].

^{*} <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/positive-behaviour-support>

[†] <https://www.legislation.gov.au/F2020N00087/latest/downloads>

[‡] <https://www.legislation.gov.au/Details/F2020C01087>

[¶] <https://www.legislation.gov.au/F2018L00631/latest/text>

What providers must do

Where specialist behaviour support providers engage contractors to deliver specialist behaviour support services, the provider must:

- ◆ be the entity that has entered into the service agreement with the participant
- ◆ be the entity that receives funding from the NDIA for the delivery of any supports or services that will involve the provision of specialist behaviour support services
- ◆ ensure that contractors who have been engaged to deliver specialist behaviour support services have been considered suitable by the Commissioner as an NDIS behaviour support practitioner
- ◆ ensure that behaviour support plans that include regulated restrictive practices are developed in accordance with the conditions of registration as described in the Behaviour Support Rules
- ◆ ensure that behaviour support plans are effectively implemented to meet the participants needs. In practice, this might include person-focused training, coaching or mentoring that covers the positive behaviour support strategies required to implement a participant's behaviour support plan
- ◆ regularly monitor and review behaviour support plans to ensure the plan reflects the participant's needs, improves their quality of life, supports progress towards positive change and is aimed at reduction and elimination of the use of regulated restrictive practices
- ◆ ensure that behaviour support plans that include regulated restrictive practices are reviewed every 12 months or if there is a change in circumstances that requires the plan to be amended
- ◆ ensure that behaviour support plans that include regulated restrictive practices are lodged with the NDIS Commission.

Laws and rules that apply

- ◆ [National Disability Insurance Scheme Act 2013](https://www.legislation.gov.au/C2013A00020/latest/text) [https://www.legislation.gov.au/C2013A00020/latest/text]
- ◆ [National Disability Insurance Scheme \(Provider Registration and Practice Standards\) Rules 2018](https://www.legislation.gov.au/F2018L00631/latest/text) [https://www.legislation.gov.au/F2018L00631/latest/text]
- ◆ [National Disability Insurance Scheme \(Restrictive Practices and Behaviour Support\) Rules 2018](https://www.legislation.gov.au/F2018L00632/latest/text) [https://www.legislation.gov.au/F2018L00632/latest/text]
- ◆ [National Disability Insurance Scheme \(Quality Indicators for NDIS Practice Standards\) Guidelines 2018](https://www.legislation.gov.au/F2018N00041/latest/text) [https://www.legislation.gov.au/F2018N00041/latest/text]

Where to get more help

- ◆ [Interim and Comprehensive Behaviour Support Plan Templates*](#) – revised BSP templates (V3.0) reflect contemporary evidence-informed practice informed by consultation with people with disability, family members, practitioners, providers, peak bodies and the state and territory restrictive practice authorisation bodies.
- ◆ [Interim and Comprehensive Behaviour Support Plan Checklists†](#) – tools that outline good practice and the requirements when developing behaviour support plans.
- ◆ [The Positive Behaviour Support Capability Framework‡](#) – outlines the knowledge and skills required to deliver contemporary, evidence-informed behaviour support and is used to consider a practitioner’s suitability.
- ◆ [Policy Guidance¶](#) – outlines the NDIS Commissioner’s expectations of providers and NDIS practitioners.
- ◆ [Evidence matters: Developing Quality Behaviour Support Plans[§]](#) – a literature summary by the University of Queensland and funded by the NDIS Commission.
- ◆ [Practice Guides around restrictive practices[#]](#)

* <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/behaviour-support-resources#paragraph-id-9177>

† <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/behaviour-support-resources#paragraph-id-9177>

‡ <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/positive-behaviour-support>

¶ <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/rules-behaviour-support-and#paragraph-id-8379>

§ <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/how-develop-behaviour-support-plans#paragraph-id-9179>

<https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/behaviour-support-resources#paragraph-id-9168>

Key terms

| Term or abbreviation | Description |
|---|--|
| Behaviour Support Plan also 'Positive Behaviour Support Plan' (BSP, PBSP) | A document, prepared by a behaviour support practitioner, in consultation with the person with disability, their family, carers, and other support people. The BSP contains person-centred, proactive and evidence-informed strategies to enhance the person's quality of life. It addresses the needs of the person and reduces the likelihood and impact of behaviours of concern. There are two types of BSPs, interim and comprehensive [*] . |
| Behaviour Support Practitioner Application Guidelines | National Disability Insurance Scheme (NDIS Behaviour Support Practitioner Application) Guidelines 2020 [†] |
| Behaviour Support Rules | National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018 (Cth) [‡] |
| Implementing provider | An NDIS provider who, in the course of delivering NDIS supports, implements behaviour support plans and/or uses a regulated restrictive practice |
| NDIS Act | The National Disability Insurance Scheme Act 2013 [¶] |
| NDIS provider | A person, entity, business or organisation that receives NDIS funding or who is an NDIS provider as prescribed by the NDIS rules. |
| Participant | A person with disability who is a participant in the National Disability Insurance Scheme (NDIS). They have an NDIS plan and use the funding in that plan to purchase supports and services. |
| Provider Registration and Practice Standards Rules | National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018 [§] |
| Regulated Restrictive Practice (RRP) | A restrictive practice is a regulated restrictive practice if it is or involves any of the 5 types of restrictive practices subject to regulation and oversight by the NDIS Commission: (a) seclusion; (b) chemical restraint, (c) mechanical restraint, (d) physical restraint; (e) environmental restraint. |
| Specialist behaviour support provider | A registered NDIS provider whose registration includes Module 2, the provision of specialist behaviour support services (i.e. registration group 110) |

* <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/behaviour-support-resources#paragraph-id-9177>

† <https://www.legislation.gov.au/F2020N00087/latest/downloads>

‡ <https://www.legislation.gov.au/F2018L00632/latest/text>

¶ <https://www.legislation.gov.au/C2013A00020/latest/versions>

§ <https://www.legislation.gov.au/Details/F2021C01137>

