



Behaviour support and restrictive practices

This fact sheet outlines requirements for providers who use restrictive practices and providers who write behaviour support plans.

What are restrictive practices?

The [National Disability Insurance Scheme 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. Certain types of restrictive practices are defined as **regulated restrictive practices** by the [NDIS \(Restrictive Practices and Behaviour Support\) Rules 2018](#). The use of regulated restrictive practices are subject to a number of conditions and reporting requirements. The five types of regulated restrictive practices are outlined in Table 1.

Table 1: Types of regulated restrictive practices

| Type | Definition |
|--------------------------------|---|
| Seclusion | The sole confinement of a person with disability in a room or a physical space at any hour of the day or night where voluntary exit is prevented, or not facilitated, or it is implied that voluntary exit is not permitted. |
| Chemical restraint | The use of medication or chemical substance for the primary purpose of influencing a person's behaviour. It does not include the use of medication prescribed by a medical practitioner to treat, or to enable the treatment of, a diagnosed mental disorder, physical illness or physical condition. |
| Mechanical restraint | The use of a device to prevent, restrict, or subdue a person's movement for the primary purpose of influencing a person's behaviour. Mechanical restraint does not include the use of devices for therapeutic or non-behavioural purposes. |
| Physical restraint | The use or action of physical force to prevent, restrict or subdue movement of a person's body, or part of their body, for the primary purpose of influencing their behaviour. Physical restraint does not include the use of a hands-on technique in a reflexive way to guide or redirect a person away from potential harm/injury, consistent with what could reasonably be considered the exercise of care towards a person. |
| Environmental restraint | The restriction of a person's free access to all parts of their environment, including items or activities. |

Provider Registration

What are the registration requirements in relation to behaviour support and restrictive practices?

Behaviour support and the use of regulated restrictive practices are considered high-risk supports, and are therefore subject to additional requirements. The [National Disability Insurance Scheme Act 2013](#) and the [NDIS \(Provider Registration and Practice Standards\) Rules 2018](#) requires providers who implement regulated restrictive practices to be registered with the NDIS Commission. It also requires providers who undertake functional behaviour assessments and write behaviour support plans to be registered, and use NDIS behaviour support practitioners.

What is an implementing provider?

An implementing provider is any NDIS provider that uses a regulated restrictive practice when delivering NDIS supports to a participant. For example, support workers restricting a participant's free access to the community due to behaviours of concern are implementing a regulated restrictive practice. These providers are required to be registered to use regulated restrictive practices and must be assessed against Practice Standard Module 2A: Implementing behaviour support plans. Implementing providers are required to:

- be registered with the NDIS Commission for the type of support they are providing (they do not need to be registered specifically for behaviour support registration group 110)
- be assessed and audited against Practice Standard Module 2A: Implementing behaviour support plans
- take all reasonable steps to facilitate the development of a behaviour support plan
- notify the NDIS Commission of any reportable incidents in relation to the use of regulated restrictive practices (see 'When is the use of a restrictive practice a reportable incident' below)
- obtain authorisation in accordance with any state or territory authorisation requirements and lodge evidence of authorisation with the NDIS Commission
- report monthly to the NDIS Commission on the use of regulated restrictive practices

What is a specialist behaviour support provider?

A specialist behaviour support provider engages behaviour support practitioners who undertake functional behaviour assessments and write behaviour support plans that may contain regulated restrictive practices. They are registered for behaviour support (registration group 110). This requirement applies regardless of whether regulated restrictive practices are included in any behaviour support plan that they develop. The specialist behaviour support provider can only use NDIS behaviour support practitioners, and behaviour support plans are required to be developed, in accordance with the *NDIS (Restrictive Practices and Behaviour Support) Rules 2018*.

Who are NDIS behaviour support practitioners?

NDIS behaviour support practitioners are practitioners the Commissioner of the NDIS Quality and Safeguards Commission considers suitable. Specialist behaviour support providers are required to notify the NDIS Commission about their behaviour support practitioners. Practitioners are considered provisionally suitable pending their assessment against the [Positive Behaviour Support Capability Framework](#). The NDIS Commission will contact practitioners when they are required to undertake the assessment process.

Behaviour support plans

What are the requirements for behaviour support plans?

The [NDIS \(Restrictive Practices and Behaviour Support\) Rules 2018](#) outline the requirements for the development and review of behaviour support plans. These include that a behaviour support plan must:

- be developed by an NDIS behaviour support practitioner engaged by a specialist behaviour support provider, or by the provider if they are an NDIS behaviour support practitioner
- clearly identify the use of any restrictive practices in detail and include plans for reducing and eliminating the practice as well as monitoring and reviewing the plan
- be developed within 1 month for an interim plan or 6 months for a comprehensive plan, from the time the behaviour support practitioner is engaged
- be developed in consultation with the participant, their family, carers, implementing provider and any guardian or other relevant persons such as support persons
- be based on a behaviour support assessment, including a functional behaviour assessment (if it is a comprehensive plan)
- contain evidence-based, person-centred and proactive strategies that address the person's needs and the functions of the behaviour
- be lodged with the NDIS Commission if the plan contains regulated restrictive practices (this includes reviewed plans)

The use of restrictive practices contained in the behaviour support plan must:

- reduce the risk of harm to the person with disability or others
- be the least restrictive response possible in the circumstances to ensure the safety of the person with disability or others
- be used as a last resort in response to risk of harm to the person with disability or others, after the provider has explored and applied evidence-based, person-centred and proactive strategies
- be proportionate to the potential negative consequences or risk of harm
- be used for the shortest time possible to ensure the safety of the person with disability or others
- be clearly identified in a behaviour support plan

- be authorised in accordance with any state or territory requirements (however described), and evidence of such authorisation lodged with the NDIS Commission

Authorisation

How are restrictive practices authorised under the NDIS?

The NDIS Commission does not authorise the use of restrictive practices. Authorisation remains the responsibility of the state or territory in which the regulated restrictive practice is used. It is a requirement under the [NDIS \(Restrictive Practices and Behaviour Support\) Rules 2018](#) (Behaviour Support Rules) to use regulated restrictive practices in accordance with any state or territory authorisation process however described. Under the Behaviour Support Rules, the implementing provider is required to obtain authorisation and lodge evidence of that authorisation with the NDIS Commission.

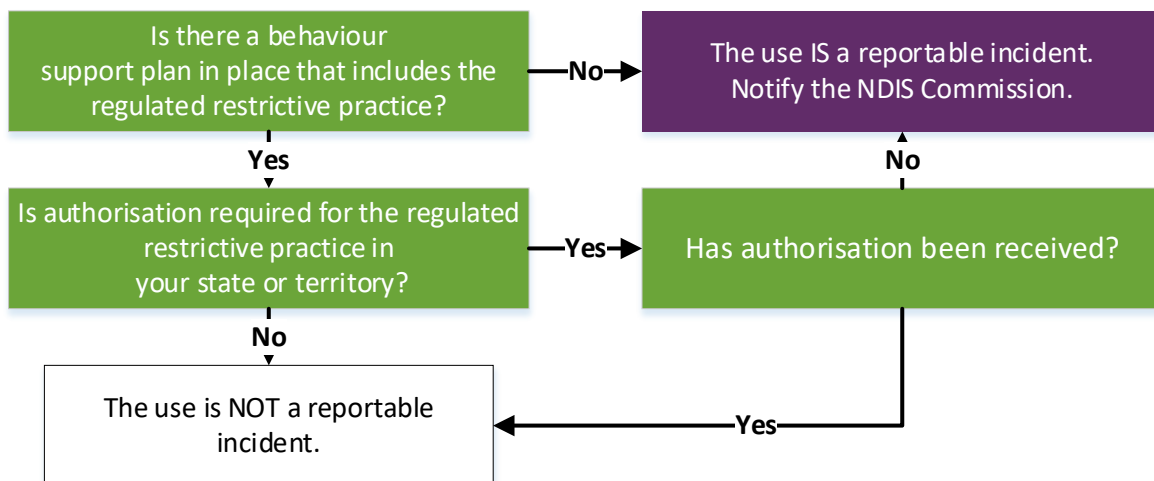
Where a state or territory does not have an applicable authorisation process, the requirements under the NDIS Act and Behaviour Support Rules continue to apply. This means the regulated restrictive practice is required to be in a behaviour support plan, and the specialist behaviour support provider is required to lodge the behaviour support plan with the NDIS Commission, regardless of whether state or territory authorisation is required.

Reportable Incidents

When is the use of a regulated restrictive practice a reportable incident?

Unauthorised use of a restrictive practice is a reportable incident under the [NDIS \(Incident Management and Reportable Incidents\) Rules 2018](#) (Reportable Incidents Rules). Figure 1. outlines when the use is a [reportable incident](#).

Figure 1: Regulated restrictive practices and reportable incidents



The Reportable Incidents Rules require that NDIS providers implementing restrictive practices notify the NDIS Commission of each use of an unauthorised restrictive practice within 5 business days of becoming aware of the use.

Where the regulated restrictive practice is a routine chemical, environmental or mechanical restraint, the provider may be able to complete weekly reporting, rather than notifying of each individual use separately. Information about [weekly reportable incident reporting](#) is on our website.

NDIS Commission Portal

How do you lodge behaviour support plans and report on regulated restrictive practices?

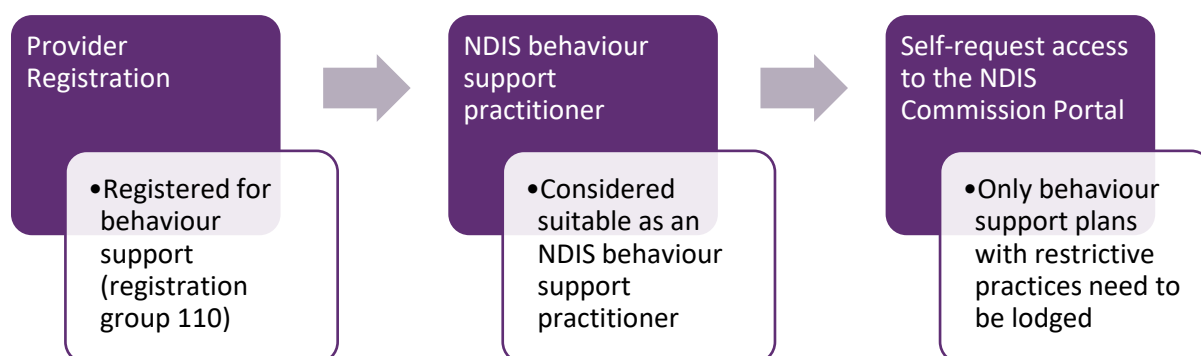
You will need a PRODA account

- PRODA verifies your identity and is used across various Australian Government departments.
- PRODA relates to you as an individual. Please use a personal email when you set up your PRODA account.
- A [quick reference guide for getting access](#) is available on our website.

Portal access

To lodge a behaviour support plan, the behaviour support practitioner user role is required. This role is approved by the NDIS Commission once you have been considered provisionally suitable as an NDIS behaviour support practitioner. Figure 2 identifies the pre-requisites for Portal access for behaviour support practitioners.

Figure 2: Pre-requisites for access to the NDIS Commission Portal for behaviour support practitioners



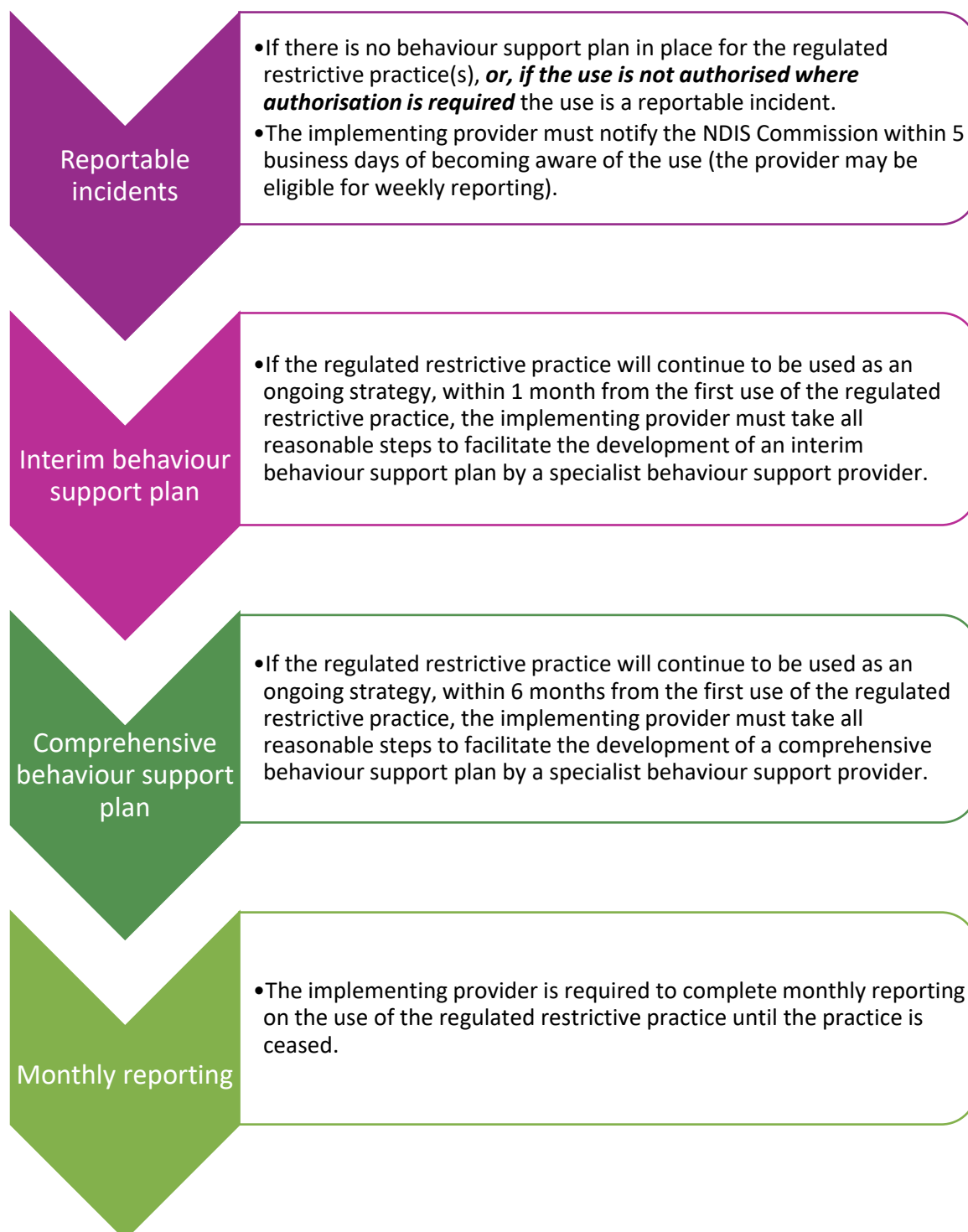
Implementing providers need to request the ‘authorised reporting officer’ (ARO) access role to activate lodged behaviour support plans and complete monthly reporting. The ARO is approved by the person within the provider who has the ‘authorised access delegate’ role.

User guides for lodging behaviour support plans, reporting monthly on regulated restrictive practices and information about the different user roles are available in the [‘Behaviour support’](#) section of our website.

NDIS Commission requirements summary

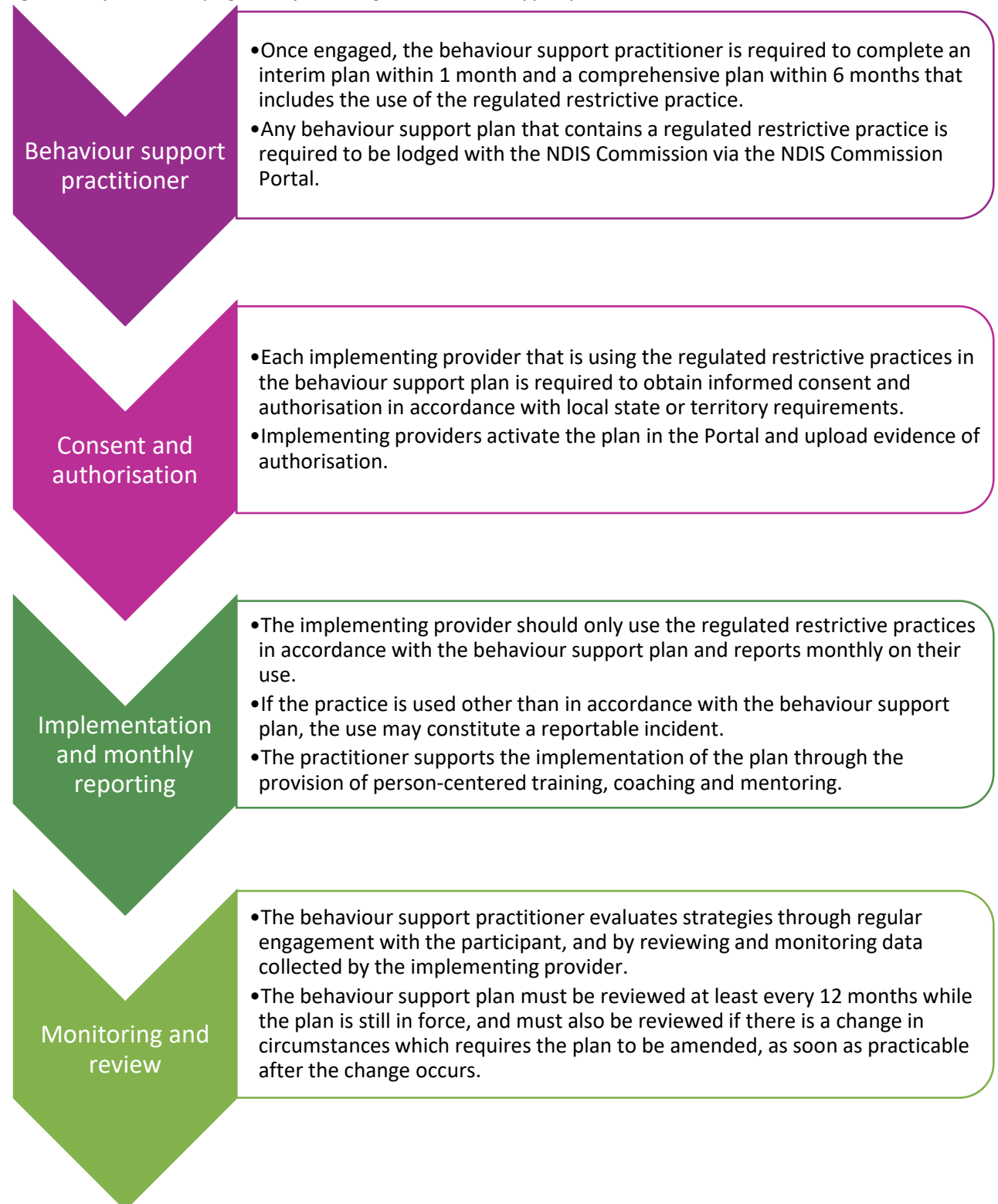
What steps are implementing providers required to take when there is no behaviour support plan in place?

Figure 3: Steps for implementing providers when no behaviour support plan is in place.



What are the steps for developing and implementing new behaviour support plans?

Figure 4: Steps for developing and implementing new behaviour support plans



For further information, contact the behaviour support team on 1800 035 544 or email behavioursupport@ndiscommission.gov.au