



NDIS Quality
and Safeguards
Commission

Your introduction to **behaviour** support

Who is this document for?

- Specialist behaviour support providers and practitioners
- NDIS providers who implement restrictive practices as part of their service delivery (implementing providers).

After reading this document, you will understand:

- the rules that apply to the use of restrictive practices
- how these affect your organisation
- where to find more information.

Behaviour support under the NDIS Commission

Providers delivering behaviour supports must be registered. The NDIS Quality and Safeguards Commission (NDIS Commission) sets out behaviour support requirements for NDIS providers. These behaviour support requirements are a condition of registration and have been developed to safeguard the quality of life of people with disability who require specialist behaviour support.

This document provides an overview of these obligations for NDIS practitioners who implement restrictive practices as part of a behaviour support plan (**implementing providers**) and for the behaviour support practitioners who develop these plans (**specialist behaviour support practitioners/providers**).

What does this mean for providers?

Behaviour support under the NDIS Commission places a clear focus on person-centred interventions, with the aim of reducing and eliminating the use of restrictive practices.

Reporting requirements give the NDIS Commission national oversight of the use of restrictive practices. This will allow the Commission to identify trends and target capacity and skill-building programs that protect the safety of NDIS participants more effectively.

An overview of the obligations for different providers under the NDIS Commission's behaviour support framework is provided on the next page.

Overview of behaviour support in the NDIS

OBLIGATION 1

Funding in the NDIS plan for behaviour support

- Identify behaviour support needs for new NDIS plans
- Update existing NDIS plans where behaviour support requirements are later identified.

Who?

The NDIA

OBLIGATION 2

Behaviour support plan development

- Register and meet behaviour support practice standards
- Create person-centred interim and comprehensive behaviour support plans
- Lodge all plans that include restrictive practices with the NDIS Commission
- Behaviour support practitioners to meet the Positive Behaviour Support (PBS) Capability Framework, which outlines the knowledge and skills required
- Engage practitioners (contractors or employees) considered suitable by the NDIS Commission.

Who?

Specialist behaviour support providers and practitioners

OBLIGATION 3

Implementation and support

- Obtain authorisation for the use of the restrictive practices from the state/territory, when required
- Use regulated restrictive practices only as per behaviour support plan
- Ensure all staff are trained in the support strategies outlined in the behaviour support plan.

Who?

Implementing providers

OBLIGATION 4

Monitoring and reporting

- Monthly reporting to NDIS Commission of all restrictive practices used
- Report any unauthorised use of restrictive practices to the NDIS Commission as reportable incidents.

Who?

Implementing providers

OBLIGATION 5

Behaviour support evaluation and review

- Conduct plan reviews annually or more often if the person's circumstances change
- Evaluate behaviour support plan effectiveness
- Develop fade-out strategies for the use of the restrictive practice.

Who?

Specialist behaviour support providers and practitioners

What is a behaviour support plan?

An NDIS behaviour support plan is a document developed for a person with disability by an NDIS behaviour support practitioner. A behaviour support plan specifies a range of person-centred, proactive strategies that focus on the individual needs of a person, in order to:

- build on the person's strengths
- increase their opportunities to participate in community activities, and
- increase their life skills.

It also includes any regulated restrictive practices that may be required.

A behaviour support plan is developed in consultation with the participant, their family, carers, guardian, and other relevant people, as well as the service providers who will be implementing the plan.



All behaviour support plans that contain restrictive practices **must be lodged** with the NDIS Commission.

If the behaviour support plan does not include any regulated restrictive practices, the NDIS Commission does not need to be notified. However, the practitioner developing the plan still needs to be registered as a specialist behaviour support practitioner.

What are restrictive practices?

A restrictive practice is any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with disability.

It is now recognised that restrictive practices can have profoundly negative effects on a person's quality of life and can represent serious human rights infringements.

The NDIS Commission Behaviour Support Rules define **five types** of regulated restrictive practices, listed below:

Seclusion	The sole confinement of a person with disability in a room or a physical space.
Chemical restraint	The use of medication or chemical substance for the primary purpose of influencing a person's behaviour.
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.
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.
Environmental restraint	Restricting a person's free access to all parts of their environment, including items or activities.

What does this mean for specialist behaviour support providers?

Specialist behaviour support providers must be registered and have certain obligations when delivering behaviour support under the NDIS Commission.

Your obligations

- Use only behaviour support practitioners considered suitable by the NDIS Commission to deliver these services. Suitability will be determined by assessment against the PBS Capability Framework.
- Meet plan development timeframes – 1 month interim plan, 6 months comprehensive plan, review plan at least every 12 months
- Develop plans that meet NDIS Commission requirements
 - Developed in consultation with the person with a disability, their support network and implementing provider
 - Based on a behaviour support assessment including a functional behavioural assessment (comprehensive plans only)
 - Contain contemporary evidence-based behavioural strategies, including environmental adjustments to constructively reduce behaviours of concern
 - Be aimed at reducing and eliminating restrictive practices
 - Be developed in a form approved by the Commissioner and lodged with the NDIS Commission

i For more detailed information about restrictive practices, see ‘The NDIS Quality and Safeguards Commission (Restrictive Practices and Behaviour Support) Rules 2018’, available through the ‘Legislation, rules and policies’ page of the NDIS Commission website.

Can restrictive practices still be used when needed?

Sometimes, using one or more regulated restrictive practices might be the only way to keep an NDIS participant and/or others safe.

Regulated restrictive practices can be used if they:

- reduce the risk of harm to the self or others
- are clearly identified in a behaviour support plan
- are authorised by the state/territory, when required
- are used as a last resort
- are the least restrictive response available
- are proportionate to the potential harm to self or others
- are used for the shortest possible time
- are implemented only by registered NDIS providers.

Regulated restrictive practices can also be used if the NDIS participant is being given opportunities to develop new skills that have the potential to meet the need for a restrictive practice.

Any unauthorised use of a restrictive practice is a reportable incident. The NDIS Commission must be notified in line with reportable incident requirements.

Transition arrangements

In the short term, behaviour support practitioners will be considered 'provisionally suitable' through nomination by transitioning providers. The NDIS Commission will contact you when more information about the new national capability framework becomes available.

i *More detailed information for behaviour support practitioners can be found in the 'Resources' section of the NDIS Commission website, including video and transcripts of behaviour support practitioner workshops in your state/territory.*

What does this mean for implementing providers?

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. Additionally, a support worker who gives a participant medication to manage their behaviour is using a restrictive practice and is therefore an implementing provider.

Implementing providers have certain obligations if they use regulated restrictive practices.

Your obligations

- Register with the NDIS Commission for the type of support you are providing
- Engage a specialist behaviour support practitioner, qualified to carry out behaviour support assessments and develop behaviour support plans
- Submit monthly reports to the NDIS Commission on the use of restrictive practices
- Ensure staff are appropriately trained to implement positive behaviour strategies and use restrictive practices
- Notify the NDIS Commission in the event of any unplanned or unapproved use of a restrictive practice through the reportable incident process
- Help your staff, NDIS participants, their families, and other decision-makers to understand the NDIS Commission's behaviour support function.

Transition arrangements

During the transition to the NDIS Commission, you must notify the NDIS Commission of existing or pending behaviour support plans.

i *Details of how to notify the NDIS Commission of existing behaviour support plans can be found in the 'Behaviour support' section of the NDIS Commission website.*

i *An in-depth description of your obligations as an implementing provider can be found in the 'Resources' section of the NDIS Commission website, including video and transcripts of behaviour support workshops.*

We are here to help

If you have any questions about restrictive practices, behaviour support, or complying with the Rules, please contact the Behaviour Support Team through the Contact Centre on **1800 035 544** or email **behavioursupport@ndiscommission.gov.au**



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