

Authorisation of Restrictive Practices in Funded Disability Services Policy

Explanatory Notes

On 1 December 2020, quality and safeguarding functions under the National Disability Insurance Scheme (NDIS) in Western Australia (WA) will transition from the Department of Communities to the NDIS Quality and Safeguards Commission (NDIS Commission).

State Government arrangements will apply until the new legislation comes into effect on 1 December 2020.

The *Authorisation of Restrictive Practices in Funded Disability Services Policy* (the Policy) outlines the State's authorisation arrangements which will be mandatory from 1 December 2020. The Policy is an important safeguard for people with disability which builds on the State's current quality and safeguarding system.

The following notes provide information on how service providers can prepare for implementation of the Policy.

- Pre-implementation phase of the Policy (8 June 2020 – 30 November 2020)

During the pre-implementation phase of the Policy, the current State quality and safeguarding arrangements in WA will continue under the *Code of Practice: A Guide for the Elimination of Restrictive Practices, 3rd edition (2019)* (the Code of Practice). The Code of Practice is available on the Disability Services website here

<http://www.disability.wa.gov.au/disability-service-providers-/for-disability-service-providers/guidelines-and-policies/policies-relating-to-specific-types-of-services/>

Information and guidance for service providers on the elimination of restrictive practices will continue to be available via the Code of Practice.

The pre-implementation phase of the Policy is an opportunity to prepare for the operational and practical requirements of the Policy, to raise questions and identify the types of support that assist service providers with the smooth transition to the NDIS quality and safeguarding requirements.

Service providers are encouraged to familiarise their organisation and other stakeholders with the contents of the Policy prior to the transition to the NDIS Commission on 1 December 2020.

In preparation for transition, service providers should consider how to meet the following three essential requirements of the Policy:

1. Ensure that a Behaviour Support Plan (BSP) is in place for all individuals with behaviour support needs, and that any restrictive practices are included in the BSP;
2. Ensure that consent has been obtained for the use of restrictive practices; and
3. Determine how to convene or access Authorisation Panels to make authorisation decisions.

The Policy can be referenced and used in the pre-implementation phase.

Please note that some content will not be relevant until the transition to the NDIS Commission. For example, any reference to the requirements of the NDIS Commission, Behaviour Support Practitioners and the Authorisation Panel Outcomes Summary Report is not applicable until 1 December 2020.

From 1 December 2020, the Policy is mandatory, and all content is applicable.

Authorisation of all new restrictive practices will be required:

- Where restrictive practices are included in a pre-existing BSP, those restrictive practices will require authorisation in accordance with the Policy by the review date of the BSP.
- Where there is no BSP in place, any use of a restrictive practice will be a reportable incident, and providers should seek authorisation of those practices in accordance with the Policy.

Information sessions regarding the implementation of the Policy will be conducted during the pre-implementation phase. More information will be available shortly.

Any queries regarding the implementation of the Policy can be directed to the Authorisation of Restrictive Practices email: ARP@communities.wa.gov.au