



BEHAVIOUR SUPPORT IMPLEMENTATION POLICY

Policy Code: 1131

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Policy Statement

CASS Disability Services is committed to implement a positive approach to behaviour support, based on comprehensive assessment and analysis of the meaning and function of behaviour in a whole-of-life context. The aim of positive approaches to behaviour support is to provide a safe environment in which the individual participant is empowered to achieve and maintain their individual lifestyle goals and enhance their quality of life. CASS has a responsibility to ensure that individuals who receive a behaviour support service are protected from exploitation, abuse, neglect, and unlawful and degrading treatment. CASS Disability Services continuously works towards elimination and reduction of the use of restrictive practices within its services. However, CASS Disability Services recognizes that occasionally service users might be subjected to restrictive practices as a response towards challenging behaviour, which represent a risk of serious harm to themselves and others.

CASS Disability Services ensures to adhere to the new requirements under the NDIS (Restrictive Practices and Behaviour Support) Rules 2018. The timeframes for developing and lodging behaviour support plans and reporting restrictive practices use to the NDIS Quality and Safeguards Commission (the NDIS Commission) will vary depending on the circumstances of the person with disability.

Behaviour Support Plan

A behaviour support plan is a document prepared in consultation with the person with disability, their family, carers, and other support people that addresses the needs of the person identified as having complex behaviours of concern. The behaviour support plan contains evidence-informed strategies and seeks to improve the person's quality of life.

A behaviour support plan can only be developed by practitioners who are considered suitable by the Commissioner to undertake functional behaviour assessments and develop behaviour support plans. Behaviour support practitioners must be registered with the NDIS to provide specialist behaviour support.

Procedures

CASS Disability Services participant who has a behaviour support plan and is subject to a regulated restrictive practice that has been authorised under NSW requirements. Restrictive practice means any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with disability. Regulated restrictive practices are: seclusion, chemical restraint, mechanical restraint, physical restraint and environmental restraint.



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- CASS Disability Services ensure to notify the NDIS Commissioner within three (3) months, unless a longer period has been agreed, that the person has a behaviour support plan that contains alternative behaviour support strategies, the plan expiry date and give details of the authorised regulated restrictive practice.
- The existing behaviour support plan can be used until it expires or a change of circumstances requires its review, however the existing plan must be reviewed and a new behaviour support plan developed within 12 months.
- If these conditions are met, the obligations in the Rules relating to developing an NDIS behaviour support plan, lodging it with the NDIS Commission and reporting on the use of the regulated restrictive practice will apply when the existing plan is reviewed and a new behaviour support plan is developed, within 12 months of transition.

CASS Disability Services ensures to facilitate the development of a behaviour support plan within six (6) months, unless a longer period has been agreed. The obligations in the Rules relating to developing an NDIS behaviour support plan, lodging it with the NDIS Commission and reporting on the use of the regulated restrictive practice will generally apply when the behaviour support plan is developed, no later than 12 months after transition.

If CASS Disability Services participant is subject to a regulated restrictive practice that does not require authorisation under NSW requirements and does not have a behaviour support plan CASS Disability Services ensure to notify the Commissioner within one (1) month unless a longer period has been agreed, of the regulated restrictive practice being used. CASS Disability Services ensures to facilitate the development of an interim behaviour support plan within three (3) months and a comprehensive behaviour support plan within six (6) months. The obligations in the Rules relating to developing an NDIS behaviour support plan, lodging it with the NDIS Commission and reporting on the use of the regulated restrictive practice will commence when the interim behaviour support plan is developed.

CASS Disability Services will keep records and report monthly to NDIS by authorising reporting officer on the use of regulated restrictive practices. Monthly reports are to be submitted to the NDIS commission on the first day of the next month. Records around restrictive practices need to be kept for seven years on:

- impact on to the person with disability or another
- any injury
- whether the RP was a reportable incident
- behaviour of concern
- reason for use RP
- time, date and place of RP
- names and contact details of those involved, including witnesses
- actions taken in response to RP
- less restrictive options considered
- actions are strategies used leading up to use of RP

When CASS Disability Services has a new participant who is subject to a regulated restrictive practice that has not been authorised in accordance with relevant state requirements CASS



Disability Services ensures to comply with all relevant obligations in the NDIS (Restrictive Practices and Behaviour Support) Rules 2018.

Restrictive Practices Mechanism Authorisation Mechanism in NSW

1. A Behaviour support plan is developed, and
2. Informed consent is obtained by the participant or their guardian, and
3. Authorisation is approved by a restricted practice authorisation panel (RPA Panel) managed through internal policy and procedures of the registered NDIS provider.

Authorisation

Where a restrictive practice is recommended to address behaviours of concern, the practice is to be supported by a behaviour support plan. This plan is based on a functional assessment of behaviour which identifies the reason for the behaviour. The requirements for developing a behaviour support plan are set out in the NDIS (Restrictive Practices and Behaviour Support) Rules. Behaviour support practitioners who have been assessed against suitability criteria by the Senior Practitioner are permitted to write behaviour support plans containing restrictive practices.

- **Authorisation Requirements**
CASS Disability Services ensures to have an RPA mechanism that comprises a properly constituted RPA Panel which meets membership requirements. Membership will comprise as a minimum, a senior manager of CASS DS and a specialist who is independent of the service provider and the person. Additional panel members may be included according to preference of CASS DS. Any recommendation for the use of a regulated restrictive practice requires formal authorisation from the RPA Panel. The Panel considers the appropriateness of a documented behaviour support plan and evaluates the recommendations in the context of the provider's operations, as well as the appropriateness of the strategy to achieve the intended therapeutic outcomes. Core to the Panel's decision making is whether the proposed strategy is the least restrictive option available and whether there are appropriate plans to reduce or eliminate the use of restrictive practices for the participant. The Panel's decision to authorise a restrictive practice is to be unanimous. On making its determination the Panel specifies the length of time for which the authorisation applies, not exceeding 12 months.
- **Interim Authorisation**
CASS Disability Services make sure that restrictive practices may need to be rapidly implemented in response to situations where there is a clear and immediate risk of harm linked to behaviour(s) of concern and there is no behaviour support plan in place. In these circumstances, interim authorisation for the use of restrictive practices is required pending the development of a behaviour support plan and authorisation by an RPA Panel. This should be sought as soon as practicable, not exceeding 1 month. A CASS Disability Services senior manager provide this interim authorisation having regard to the interim plan for behaviour supports, including restrictive practices, and the context of the provider's authorisation. In providing interim authorisation the senior manager specifies the length of time for which the interim authorisation applies, not exceeding 5 months.



Worker Training

ALL CASS Disability Services staff members have a responsibility to read Behaviour Support Plan (BSP) and consistently implement the strategies in the plan. ALL the staff members need to have a clear understanding of positive, restrictive and prohibited practices.

External Behaviour Support Practitioners provide training and support in order for behaviour support strategies to be implemented effectively and consistently. CASS Disability Services Coordinators should ensure that ALL support worker are familiar with the positive behaviour support interventions, including the use of regulated restrictive practices which is prescribed by Behaviour Support Practitioners.

Legislation and Standards

National

- National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018
- National Disability Insurance Scheme Act 2013
- National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018
- National Framework for Reducing and Eliminating the use of Restrictive Practices in the Disability Service Sector 2014 NSW

NSW

- Children and Young Persons (Care and Protection) Act 1998 and the Children and Young Persons (Care and Protection) Regulation 2012.
- Disability Inclusion Act 2014 and Disability Inclusion Regulation 2014



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Documents related to this policy	
Related Policies	Eliminating Restrictive Practices Policy
Forms, record keeping or other organisational documents	

Reviewing and approving this policy		
Frequency	Person responsible	Approval
3 years	Unit Head	HAS & DS Committee

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review due
Version 1	17 May 2019	HAS & DS Committee	17 May 2022
Version 2	16 May 2022	HAS & DS Committee	18 February 2023