



# Responsibilities for authorisation of restrictive practices in Western Australia

Under the National Disability Insurance Scheme (NDIS) Quality and Safeguarding Framework, states and territories are responsible for the authorisation of restrictive practices used by registered NDIS providers and NDIS Behaviour Support Practitioners.

In Western Australia, this includes providing:

- the 'Authorisation of Restrictive Practices in Funded Disability Services Policy' (the Policy) (listed on the [restrictive practices resources](#) page under 'Policy and procedure guidelines')
- support to the sector in implementing the Policy.

## NDIS Quality and Safeguards Commission

From 1 December 2020, the NDIS Quality and Safeguards Commission (NDIS Commission) commenced regulating registered NDIS providers in WA. The NDIS Commission is responsible for:

- regulatory oversight of the use of regulated restrictive practices
- registration of NDIS providers
- determination of Behaviour Support Practitioner suitability against the NDIS Commission Positive Behaviour Support Capability Framework (2019)
- quality audits of Behaviour Support Plans (BSP)
- providing national leadership in relation to behaviour support, and the reduction and elimination of the use of restrictive practices by NDIS providers.

## Department of Communities

From 1 December 2020, the WA Government via the Department of Communities (Communities) established the authorisation of restrictive practice process and is responsible for:

- publishing and maintaining an interim Policy for the authorisation of restrictive practice



## **Responsibilities for authorisation of restrictive practices in WA**

- providing information to registered NDIS providers, state-funded disability service providers and other participants in the authorisation of restrictive practice process to facilitate engagement and compliance with the Policy
- developing legislation to provide for long-term authorisation arrangements in consultation with the disability sector and wider community.

## **Service providers**

Responsibilities of providers from 1 December 2020:

### **NDIS-funded Implementing Providers**

- Use strategies to facilitate supported decision-making so people with disability are assisted to communicate their needs and choices.
- Report any unauthorised use of restrictive practice to the NDIS Commission.
- Ensure that an NDIS Behaviour Support Practitioner has been engaged to develop a BSP outlining any restrictive practice(s).
- Develop internal policies and procedures to govern the operations of any Quality Assurance Panel that it convenes.
- Convene or access Quality Assurance Panels to approve or not approve regulated restrictive practices described in a BSP in accordance with the Policy.
- Monitor the use of restrictive practices, including the regular reporting of restrictive practices use to the NDIS Commission.
- Support participants to make and resolve complaints.
- Ensure appropriate medical or allied health assessment and prescription processes are in place in instances of the use of therapeutic and/or safety devices or practices that are not considered regulated restrictive practices under the Policy.

### **NDIS-funded Behaviour Support Practitioners**

- Meet suitability requirements as outlined in the NDIS Positive Behaviour Support Capability Framework and complete the suitability notification process with the NDIS Commission.
- Meet behaviour support requirements including developing and lodging BSPs that include restrictive practices with the NDIS Commission.
- Comply with the Policy, including completion of BSPs in accordance with the Policy requirements.
- Detail the intention to use restrictive practice(s) in the BSP in an appropriately accessible format to the person, family, carers, guardian and other relevant person.



## Responsibilities for authorisation of restrictive practices in WA

- Engage as an independent external NDIS Behaviour Support Practitioner on Quality Assurance Panels convened by Implementing Providers (optional).

## State-funded disability providers

- Use strategies to facilitate supported decision-making so people with disability are assisted to communicate their needs and choices.
- Ensure that an NDIS Behaviour Support Practitioner has been engaged to develop a BSP outlining any recommended restrictive practice.
- Convene or access Quality Assurance Panels to approve or not approve regulated restrictive practices described in a BSP in accordance with the Policy.
- Report any unauthorised use of restrictive practice to Communities.
- Support participants to make and resolve complaints.
- Monitor the use of restrictive practices.

## Contact information

For enquiries about the Policy, please contact the Department of Communities – authorisation of restrictive practices team:

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