

Purpose and Scope

Cahoots recognises that restrictive practices impact a person's human rights and dignity and is committed to reducing and eliminating their use across all services. Cahoots promotes Positive Behaviour Support (PBS) strategies that uphold the rights, autonomy and inclusion of people with disability.

Underpinning this policy is the fundamental right of each participant supported by Cahoots to the equal and full enjoyment of all human rights, free of discrimination, in accordance with the United Nations Convention on the Rights of Persons with Disabilities, the NDIS Act 2013 and the NDIS Practice Standards.

The purpose of this policy is to provide guidance on:

- The provision and promotion of positive behaviour support for Cahoots participants who present with behaviours of concern
- The use of restrictive practices within a positive behaviour support framework
- The unplanned use of a restrictive practice with the intent to safeguard the participant or others
- The reporting requirements for authorised and unauthorised use of restrictive practices

This policy applies to all members of the Cahoots team, whether paid employees, members, volunteers, Board Directors, contractors, or participants. All parties are responsible for working within this policy and reporting when participants' human rights are compromised through the use of restrictive practices.

Definitions

Restrictive Practice: Section 9 of the NDIS 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".

Regulated Restrictive Practice: The NDIS (Restrictive Practices and Behaviour Support) Rules 2018 identify five categories of regulated restrictive practices that require authorisation: seclusion, chemical restraint, physical restraint, mechanical restraint and environmental restraint.

Prohibited Practices: Restrictive practices that are not authorised as they are considered abusive, unlawful, or unethical, such as pin down or takedown techniques, overcorrection, denial of key needs, degradation and vilification.

Psycho-social Restraint (also a prohibited practices): The use of interpersonal interactions which may reasonably be construed by the person to whom they are directed as intimidating or aversive, and/or threats of social or other sanctions that rely on eliciting fear to moderate a person's behaviour (McVilly, 2009).

Therapeutic Device/s: Devices used for therapeutic or non-behavioural purposes are not mechanical restraints. These are defined as devices that assist a person with everyday functional activities or help injuries heal, e.g. mechanical supports used to achieve proper body positioning or a splint used on a person's arm to assist with independent eating.

Behaviours of Concern: Behaviours of such intensity, frequency or duration that the physical safety of the person or others is placed in serious jeopardy, or behaviour which is likely to seriously limit or deny the person access to the community or community facilities.

Authorised Restrictive Practice: A regulated restrictive practice that is included in a participant's Behaviour Support Plan and authorised in accordance with the relevant State or Territory authorisation requirements.

Unauthorised Restrictive Practice: Any restrictive practice that is used without appropriate authorisation, or that is not implemented in accordance with the participant's Behaviour Support Plan.

Behaviour Support Plan (BSP): A document prepared by an NDIS Behaviour Support Practitioner in consultation with the participant, their family, carers, and other stakeholders that addresses the behavioural support needs of the person. The plan contains evidence-informed strategies and seeks to improve the participant's quality of life.

Implementing Provider: Any NDIS service provider that uses a regulated restrictive practice in the course of delivering NDIS supports to a participant.

NDIS Behaviour Support Practitioner: A person whom the NDIS Quality and Safeguards Commissioner considers suitable to undertake behaviour support assessments and develop Behaviour Support Plans that may include the use of restrictive practices.

Reportable Incidents (previously "Serious Incident"):

An incident involving a Cahoots participant where one or more of the following occurs:

- Death;
- Serious injury;
- Abuse or neglect;
- Unlawful sexual or physical contact with, or assault of a person with a disability;
- Sexual misconduct committed against, or in the presence of, a person with a disability, including grooming;
- Use of an unauthorised restrictive practice, or the use of an authorised restrictive practice in a manner not consistent with the participant's Behaviour Support Plan

Quality Assurance Panel: A panel established by Cahoots to review proposed restrictive practices identified in a participant's Behaviour Support Plan to ensure that the restrictive practice is evidence-based, the least restrictive option available and appropriate within the Cahoots service delivery environment.

Policy Statement

Under Cahoots' duty of care, all staff must act in a reasonable manner to ensure the safety and wellbeing of all participants, staff and volunteers.

Cahoots promotes a person-centred and **Positive Behaviour Support (PBS)** approach that focuses on improving the participant's quality of life, addressing the underlying causes of behaviours of concern, and safeguarding the rights and dignity of people with disability.

Cahoots will actively work towards the reduction and elimination of restrictive practices by only using restrictive practices as a last resort to manage behaviours of concern, after all reasonable and less restrictive strategies have been attempted.

Restrictive practices must only be used as a last resort, be proportionate to the risk of harm, and be implemented in the least restrictive manner possible.

If restrictive practices are used, they will:

- be clearly identified within the participant's Behaviour Support Plan
- only be used as a last resort
- be used for the least possible time
- be the least restrictive alternative
- only be used to prevent harm to the participant or others
- not be used as punishment or coercion
- not be used for team member convenience
- only be used with consent from the participant and/or their authorised decision maker where required.
- only be used in accordance with relevant authorisation requirements

Cahoots recognises that restrictive practices are not a long-term solution to behaviour and will work with participants and their supports to identify and implement strategies that reduce the need for restrictive practices wherever possible.

Cahoots also recognises that the unplanned use of a restrictive practice may occur in emergency situations under a worker's duty of care to preserve the safety of the participant or others. In these instances, all unauthorised uses of restrictive practice must be reported as soon as practicable through the incident management system and, where required, a Reportable Incident will be submitted to the NDIS Quality and Safeguards Commission in accordance with reporting requirements.

Behaviour Support Plans

Cahoots supports participants who may display behaviours of concern. These behaviours may be a way for a participant to communicate a need. Participants may experience difficulties with impulse control, self-awareness, or the ability to self-monitor or regulate their emotions or behaviour. Behaviours of concern that may present a barrier to participation in family and community activities may include:

- Verbal aggression
- Self-injury
- Aggressive behaviour
- Property destruction
- Disinhibited and impulsive behaviour
- Hyper-sexuality
- Impulsivity
- Absconding or fleeing

Cahoots works proactively with participants, their families, carers and other stakeholders to understand the participant's specific support needs and recognises that all human behaviour serves a purpose, including behaviours that are identified as behaviours of concern.

Where a participant has a Behaviour Support Plan (BSP), Cahoots requires the participant, their family or carers to provide a current copy of the plan prior to receiving services. Behaviour Support Plans should be reviewed at least every 12 months or earlier if the participant's needs change. Participants, their families or carers are expected to notify Cahoots when a BSP has been updated or reviewed.

Cahoots will actively support the review of Behaviour Support Plans by providing incident reports, and other relevant information to assist the Behaviour Support Practitioner in reviewing the participant's support strategies.

Cahoots recognises that Behaviour Support Plans are best practice when supporting participants who display behaviours of concern, and that some plans may include regulated restrictive practices as part of the overall behaviour support strategy.

Regulated Restrictive Practices & Procedure

Participants that have Regulated Restrictive Practices included in their Behaviour Support Plans can receive supports and services from Cahoots.

The regulated restrictive practices defined by the NDIS (Restrictive Practices and Behaviour Support) Rules 2018 are:

Seclusion: The sole confinement of a person with disability in a room or physical space at any hour of the day or night where voluntary exit is prevented, not facilitated, or where it is implied that voluntary exit is not permitted.

Chemical Restraint: The use of medication or a chemical substance for the primary purpose of influencing a person's behaviour. It does not include medication prescribed by a medical practitioner for the treatment of, or to enable 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. It does not include devices used for therapeutic or non-behavioural purposes.

Physical Restraint: The use of physical force to prevent, restrict or subdue the 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 hands-on guidance in a reflexive way to redirect a person away from potential harm or injury, consistent with reasonable duty of care.

Environmental Restraint: A practice that restricts a person's free access to all parts of their environment, including items or activities.

As an implementing provider, the Cahoots Service Delivery Team must assess the participant's behaviour support needs, including any regulated restrictive practices identified within the Behaviour Support Plan, to ensure Cahoots has the skills, resources and environment required to support the participant safely and effectively.

Where the Regulated Restrictive Practice is included within the BSP Cahoots must understand:

- the type of restrictive practice being used
- why it is being used
- the circumstances in which it may be implemented
- the least restrictive strategies that must be attempted prior to implementation
- the time limits and conditions for use

Cahoots must also assess whether the regulated restrictive practice can be safely implemented within the Cahoots service delivery environment.

Where it is determined that the participant's support needs can be met, the Behaviour Support Plan will be shared with relevant Cahoots team members to ensure they understand how to implement the behaviour support strategies, including any regulated restrictive practices. This may include training, guidance or demonstration of strategies by the Behaviour Support Practitioner, family or carer where required.

When receiving Cahoots supports, the participant will be supported by team members who have completed behaviour support training and are able to implement behaviour support strategies and any regulated restrictive practices outlined in the Behaviour Support Plan.

Where equipment is required to implement a restrictive practice (for example a seatbelt lock), this equipment must be provided by the participant, their family or carers, as Cahoots does not supply equipment of this nature.

NOTE: Regulated restrictive practices must only be used in accordance with the participant's Behaviour Support Plan and relevant authorisation requirements.

In some situations, participants may be prescribed medication that may constitute a chemical restraint, but this may not yet be included in a current Behaviour Support Plan. In these circumstances, Cahoots will work with the participant, their family and relevant supports to initiate a review of the Behaviour Support Plan or behaviour support funding where appropriate.

Until such time as the chemical restraint is included in an authorised Behaviour Support Plan, Cahoots will report each occurrence as an unauthorised restrictive practice in accordance with NDIS reportable incident requirements.

Authorisation of a Regulated Restrictive Practice

Under the NDIS Framework, the Government of Western Australia is responsible for the authorisation of regulated restrictive practices in NDIS services in Western Australia. The Authorisation of Restrictive Practices in Funded Disability Services Policy requires regulated restrictive practices to be authorised in accordance with the relevant State authorisation process.

As an implementing provider, Cahoots must ensure that any regulated restrictive practice included in a participant's Behaviour Support Plan has been authorised in accordance with the applicable State requirements before it is implemented within Cahoots services.

To support safe and appropriate implementation, Cahoots has established a Quality Assurance (QA) Panel to review and assess proposed regulated restrictive practices identified in a participant's Behaviour Support Plan. The QA Panel reviews whether the restrictive practice:

- is clearly identified within the Behaviour Support Plan
- has been authorised through the relevant State authorisation process
- represents the least restrictive option available
- is appropriate and safe to implement within the Cahoots service delivery environment

The activities of the Cahoots QA Panel are guided by the QA Panel Terms of Reference. The panel members include:

- Cahoots Operations Manager or Community Engagement Manager
- Cahoots Quality & Safeguarding Lead
- Cahoots Service Coordinator
- External Behaviour Support Practitioner

In supporting the implementation of regulated restrictive practices, Family Relationship Officers work with participants, their families and carers to ensure Cahoots is listed as an implementing provider or stakeholder on the participant's Behaviour Support Plan and to gather the following documentation:

- Behaviour Support Plan (reviewed within the last 12 months)
- Functional Assessment (if available)
- Restrictive Practice Consent Form
- Cahoots letter to medical practitioner (to identify medications that may constitute chemical restraint)
- Any other relevant supporting documentation

Where multiple providers are responsible for implementing restrictive practices identified in a participant's Behaviour Support Plan, a representative from the Cahoots QA Panel may participate in a joint panel review process with the other implementing providers.

The QA Panel will determine whether Cahoots can safely implement the regulated restrictive practice within the Cahoots service delivery environment. The outcome of the review will be documented in the Quality Assurance Panel Outcome Report.

Where Cahoots implements an authorised regulated restrictive practice, it must be reported and monitored in accordance with NDIS reporting requirements.

Reporting - Authorised Restrictive Practice

The use of an authorised regulated restrictive practice must be documented to record how often the practice is used and the circumstances in which it occurs.

Cahoots Facilitators and Leaders must complete a Restrictive Practices Incident Report for each instance where an authorised regulated restrictive practice is used during Cahoots services. Incident reporting must be completed on the same day the restrictive practice occurs.

For internal reporting and notification procedures, refer to the Cahoots Risk Matrix.

Unauthorised Restrictive Practice

An unauthorised restrictive practice is:

- the use of a regulated restrictive practice included in a Behaviour Support Plan that has not been authorised in accordance with the relevant State authorisation requirements, or
- any unplanned use of a restrictive practice for the purpose of safeguarding the participant or others.

Unauthorised restrictive practices may only be used **as a last resort** when a participant has placed themselves or others (another participant, staff member, volunteer, or member of the public) in immediate danger.

Examples include:

- preventing a participant from placing themselves in a dangerous situation, such as running onto a road
- preventing a participant from injuring themselves
- preventing a participant from harming another participant, staff member, or other person

Where possible, a **Facilitator** should carry out the restrictive practice unless they are unable to do so at the time required. Duty of care must be considered for both the participant causing harm and the people at risk of harm.

Where restraint has been applied in an emergency to prevent harm, the worker must:

- attempt non-restrictive strategies first
- use the least restrictive option available at the time
- use the minimum force required
- minimise the risk to the safety of the person concerned

Personal Safety

Restrictive practices must only be used where the worker is not compromising their own safety. Where a worker's safety is at risk, 000 (police and/or ambulance) must be called.

For example, where a participant has a weapon, the safety of other participants and Cahoots team members must be prioritised.

Reporting - Unauthorised Restrictive Practice

The use of an unauthorised restrictive practice must be documented by Cahoots Facilitators and Leaders using the Restrictive Practices Incident Report.

The report must be completed on the same day the incident occurred. It is critical that all non-restrictive strategies attempted to manage the situation are documented in the report to demonstrate that the restrictive practice was used as a last resort and in accordance with duty of care.

For internal reporting and notification procedures, refer to the Cahoots Risk Matrix.

The unauthorised use of a restrictive practice by an implementing provider constitutes a Reportable Incident, and Cahoots will notify the NDIS Quality and Safeguards Commission within five business days of becoming aware of the incident.

Incident Review

All restrictive practice incidents are reviewed by the Cahoots Service Delivery Team and the participant, their family or carers are advised of the incident.

Where an unauthorised restrictive practice has been used as a last resort to safeguard the participant or others, Cahoots will consult with the participant, their family and carers and conduct a review to assess whether:

- the participant is attending supports that are appropriate for their support needs (for example, attending a teen service when a high-support service may be more appropriate)
- the Behaviour Support Plan requires review to ensure strategies are in place to support the participant's safety
- a review of funding is required to include behaviour support where no Behaviour Support Plan is currently in place

Cahoots will work with the participant, their family and their supports to implement new strategies and mitigate risks. In some circumstances, Cahoots may determine that the participant's support needs cannot be safely met until the Behaviour Support Plan is reviewed or implemented and the Cahoots team has the appropriate skills and training to support the participant.

Cahoots will communicate decisions and next steps to the participant, their family and carers and refer them to a Behaviour Support Practitioner if required.

Inappropriate use of Restrictive Practice

If it is suspected or there is evidence that a worker has inappropriately used regulated restrictive practices or prohibited practices (including psychosocial restraints), the following actions will be taken:

- the worker may be suspended from service duties while an investigation is conducted
- where the investigation confirms inappropriate use, the worker may be stood down from Cahoots immediately
- Cahoots will report the incident to the NDIS Quality and Safeguards Commission
- the inappropriate use of restrictive practices may constitute a criminal offence and Cahoots will report the matter to the appropriate authorities where required (refer to the Risk Matrix)

Staff Training

Cahoots will provide Positive Behaviour Support and Team Teach training on a regular basis. Facilitators and other relevant team members are required to attend this training to ensure they are equipped to safely support participants who may display behaviours of concern.

Policy Monitoring and Review

Cahoots will monitor the implementation of this policy through incident reporting, review of restrictive practice usage, and feedback from participants, families and staff.

Restrictive practice data will be reviewed regularly by the Service Delivery and Quality teams to identify trends, ensure compliance with NDIS requirements, and support the ongoing reduction and elimination of restrictive practices.

This policy will be reviewed at least every two years, or earlier if required due to changes in legislation, NDIS requirements, or organisational practices.

Cahoots is committed to the ongoing reduction and elimination of restrictive practices and will work collaboratively with participants, families, behaviour support practitioners and other providers to achieve this.

Reference and Related Documents

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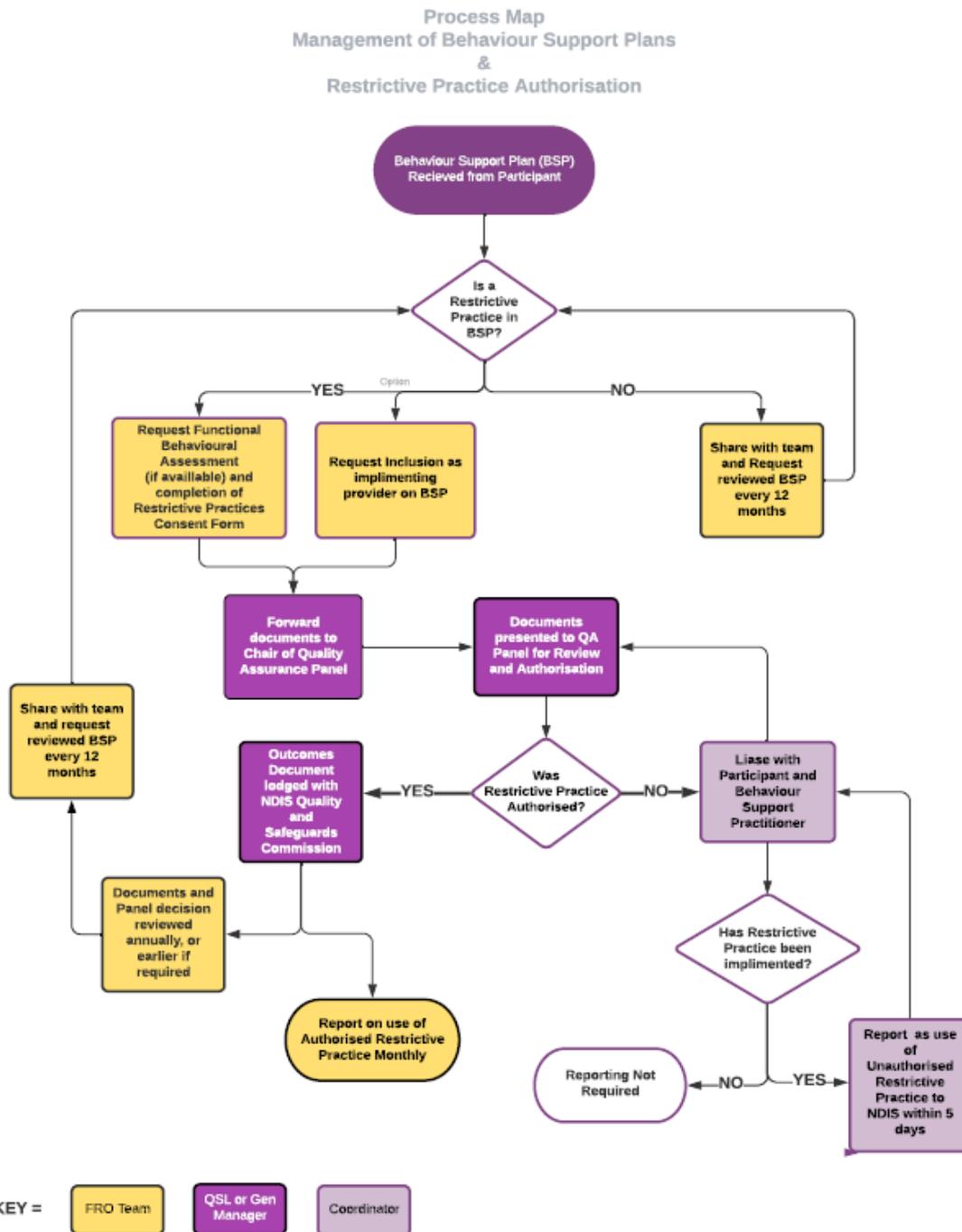
- United Nations Convention on the Rights of Persons with Disabilities
- National Disability Insurance Scheme Act 2013
- NDIS (Restrictive Practices and Behaviour Support) Rules 2018
- NDIS Practice Standards and Quality Indicators
- NDIS Quality and Safeguards Commission – Regulated Restrictive Practices Guidance
- NDIS Quality and Safeguards Commission – *Behaviour Support Capability Framework*
- Government of Western Australia, Department of Communities – Authorisation of Restrictive Practices in Funded Disability Services Policy (2020)
- Government of Western Australia, Department of Communities – *Definitions of Regulated Restrictive Practices*
- Government of Western Australia, Department of Communities – *Principles Guiding the Use of Regulated Restrictive Practices*
- Government of Western Australia, Department of Communities – A Guide for the Elimination of Restrictive Practices (Third Edition)
- Government of Western Australia, Department of Communities – *Positive Behaviour Support Resources*

Internal Cahoots Documents

- Incident and Hazard Management, Reporting and Recording Procedure
- Risk Matrix and Notification Procedure
- Safeguarding Children and Adults at Risk Policy
- Managing Challenging Behaviours Procedure
- Protecting Participants from Harm Procedure
- Quality Assurance Panel Terms of Reference

Appendix 1:

Process Map Management of Restrictive Practices and Restrictive Practice Authorisation



Versions

Version Number	Date	Description of Amendment
1.0	12/04/2019	Policy Created and Approved
2.0	29/10/20	Policy Updated
3.0	09/11/2021	Policy Updated including NDIS QS Commission
4.0	02/03/2026	Policy updated to align with current NDIS restrictive practice requirements and internal procedures.

Owner	Approver	Next Review
Community Engagement Manager	CEO	March 2028