

Restrictive Intervention

Restrictive Practices

The Disability Act 2006 sets out provisions in Part 7 of the Act to protect the rights of persons with a disability who are subject to restrictive interventions.

What is Restrictive Intervention?

Restrictive intervention is defined in the Act to mean 'any intervention that is used to restrict the rights or freedom of movement of a person with a disability including chemical, physical, mechanical restraint and seclusion.

“Mechanical restraint” Means the use, for the primary purpose of the behavioural control of a person with a disability, of devices to prevent, restrict or subdue a person’s movement but does not include the use of devices:

- a) For therapeutic purposes; or
- b) To enable the safe transportation of the person.

“Chemical restraint” Means the use, for the primary purpose of the behavioural control of a person with a disability, of a chemical substance to control or subdue the person but does not include the use of a drug prescribed by a registered medical practitioner for the treatment, or to enable the treatment, of a mental illness or a physical illness or physical condition.

“Seclusion” Means the sole confinement of a person with a disability at any hours of the day or night:

- a) In any room in the premises where disability services are being provided of which the doors and windows cannot be opened by the person from the inside, or
- b) In any room in the premises where disability services are being provided of which the doors and windows are locked from the outside, or
- c) To a part of any premises in which disability services are being provided.

“Physical restraint” Means using physical force to control a person’s behaviour by preventing or restricting movement of any part of their body (and which is not physical assistance or physical guidance).

* Table taken from Disability Act 2006 Restrictive Intervention Guide - DHS

Requirements of service providers

For service providers to use either chemical, mechanical restraint and or seclusion they must meet certain requirements as identified in the Act. These include:

- The use of chemical, mechanical restraint or seclusion must be included in a behaviour management plan (Behaviour support plan).
- The Authorised Program Officer from Interchange Outer East must approve the use of chemical, mechanical restraint and or seclusion in the plan.
- The Authorised Program Officer must ensure the individual has access to an independent person to explain the use of restraint as outlined in their plan as well as their right to a review of this decision by VCAT.
- A copy of the behaviour support plan must be provided to the Senior Practitioner from the Office of Professional Practice, who monitors the use of the restraint or seclusion.
- A monthly report must be submitted to the senior practitioner identifying what restraint had been used in the month. Where restraint or seclusion has been used, on whom by whom and how often.

What programs are affected?

All programs that have disability funding are legislated to meet the requirements of the Disability Act 2006, including all requirements outlined in this document.

The only exception is restrictive intervention performed or administered by parents of participants, for example restrictive medication administered by parents during an in-home shift.

Responsibilities of Interchange Outer East

Behaviour Support Plan

A Behaviour Support Plan is developed for a participant, which specifies a range of strategies to be used in managing the person's behaviour including proactive strategies to build on the person's strengths and increase their life skills.

All participants that require the use of restrictive intervention must have a Behaviour Support Plan (BSP) created prior to receiving services. The behaviour support plan is a component of an individual's support information. The plan must be created in consultation with the person's family and/or any other relevant person or service that will contribute useful information to the plan.

On completion of the plan, an independent person must be available to assist the participant to understand the implications of their support plan.

The expectation is that behaviour support plans will be reviewed and approved by an Authorised Program Officer before the individual receives services. If a participant receives services from other agencies the preference is that one behaviour support plan (BSP) is created and used across all services.

Role of the Independent Person

An independent person must not be an employee of Interchange or a representative of Interchange. Generally parents and or guardians will act as the independent person.

The independent person must assist the person with a disability to understand:

- The inclusion of the proposed use of restraint or seclusion in their behaviour support plan.
- That the participant can seek a review of the decision to include the use of restraint or seclusion in their behaviour support plan if the participant wants to do so.
- If the independent person believes the person with a disability is not able to understand the inclusion of the use of restraint or seclusion in their behaviour support plan and or the requirements of this section of the Act are not being complied with by the service provider they can refer matters to the Public Advocate.

Letter of notification

A letter of notification is a document that is sent to parents and or guardians confirming that the person's behaviour plan has been approved by the Interchange Authorised Program officer. It must state that restrictive intervention will be administered in accordance with the plan and that they have the right to have the decision reviewed by VCAT. The letter must be provided 2 days prior to receiving service 'and upon subsequent reviews of the plan' or 'after each 12 monthly review' of the plan'.

Review of Behaviour Support Plans

Interchange Outer East is required to review behaviour support plans created for the purpose of using chemical, mechanical, physical restraint and or seclusion at intervals of not more than 12 months. The Authorised Program Officer or the Senior Practitioner can specify a shorter period if they feel necessary.

In reviewing the Behaviour Support Plan, Interchange Outer East must consult with:

- The person with a disability.
- Their family or guardian.
- Other disability service providers providing services to the person.
- Any other person that the family or Interchange considers integral to the review of the Behaviour Support Plan.

Medication Sheets

Participants using a form of chemical restraint require a medication sheet to be signed off each time medication is administered. At the end of each month any medication sheet which identifies the use of chemical restraint must be returned to the IOE office. Medication sheets should be returned no later than the first day of each month. It is essential that the medication sheet include the person's name, date of birth, name of the medication, specific dose given (see Medication Policy for more information) and how many times of the day it is administered.

An incident report must be submitted if PRN Restrictive Intervention medication has been used.

Submitting Reports to the Senior Practitioner

Authorised Program Officers must report any restrictive practices by 7th day of each month through the restrictive intervention database.