

## FAQ - BEHAVIOUR SUPPORT & RESTRICTIVE PRACTICES

### Definitions

- “Behaviour Support Rules”     *National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018*
- “Dual providers”                Approved residential aged care providers that are also registered NDIS providers providing residential care/NDIS supports or services to NDIS participants who are residents of the provider’s residential aged care facility.
- “NDIS Commission”             The NDIS Quality and Safeguards Commission
- “Reportable Incident Rules”     *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018*

Question	Answer
What restrictive practices are regulated by the NDIS Commission?	There are five types of regulated restrictive practices defined in the Behaviour Support Rules. These are seclusion, chemical restraint, mechanical restraint, physical restraint, and environmental restraint. There is more information about <a href="#">Regulated Restrictive Practices</a> on the NDIS Commission website and in the <a href="#">Behaviour Support and Restrictive Practices Fact Sheet</a> .
What is the difference between an interim behaviour support plan and a comprehensive support plan and are both required?	An interim behaviour support plan is developed when there is an immediate need for behaviour support that minimises the risk to the person and others. It is a brief plan that provides preventative and response strategies that focus on keeping people safe while the behaviour support practitioner undertakes a functional behaviour assessment and develops a comprehensive behaviour support plan. An interim behaviour support plan that contains a regulated restrictive practice must be developed within one month of the specialist behaviour support provider being engaged.

	<p>A comprehensive behaviour support plan is a proactive, person-centred and evidence- informed plan that is underpinned by a behaviour support assessment, including a functional behaviour assessment. A comprehensive behaviour support plan contains a range of individualised strategies that address the person’s needs and the function of the behaviour. A comprehensive behaviour support plan that contains a regulated restrictive practice must be developed within six months of the specialist behaviour support provider being engaged.</p> <p>The development of interim and comprehensive behaviour support plans is undertaken by registered NDIS providers of specialist behaviour support services in consultation with the person, their family, other relevant persons and implementing providers (including dual providers).</p> <p>There is more information about <a href="#">behaviour support plans</a> on the NDIS Commission website and in the <a href="#">Behaviour Support and Restrictive Practices Fact Sheet</a>.</p>
<p>Who can develop a behaviour support plan for an NDIS participant living in residential aged care?</p>	<p>Under the Behaviour Support Rules, a behaviour support plan (with or without restrictive practices) can only be developed by NDIS behaviour support practitioners, who have been deemed suitable by the NDIS Commissioner to undertake behaviour support assessments (including functional behaviour assessments) and to develop behaviour support plans that may contain the use of restrictive practices.</p> <p>NDIS behavior support practitioners can provide specialist behavior support services through either being a registered NDIS provider of specialist behavior support services (registration group 110) themselves or, engaged by a registered NDIS provider of those services.</p> <p>There is more information on the <a href="#">NDIS Commission website</a> and in the <a href="#">Behaviour Support and Restrictive Practices Fact Sheet</a>.</p>
<p>What is an ‘implementing provider’?</p>	<p>An implementing provider is a registered NDIS provider that uses a regulated restrictive practice when delivering NDIS supports to an NDIS participant. For example, support workers restricting a participant’s free access to the community due to behaviours of concern are implementing a regulated restrictive practice. There is more information about <a href="#">implementing providers</a> on the NDIS Commission website and in the <a href="#">Behaviour Support and Restrictive Practices Fact Sheet</a>.</p>

<p>What does a dual provider need to do if they have an NDIS participant that needs a restrictive practice as part of the supports or services provided to them?</p>	<p>You will find information about the reasonable steps that implementing providers (including dual providers) need to take in these circumstances in the <a href="#">Implementing providers: Facilitating the development of behaviour support plans that include regulated restrictive practices Fact Sheet</a>.</p>
<p>Are dual providers providing support or services to NDIS participants able to insist on a copy of their behaviour support plan?</p>	<p>With consent, dual providers should work collaboratively with the NDIS participant, their family and other relevant persons to effectively implement behaviour support plans which meet the NDIS participant's needs, improve quality of life and reduce the need for regulated restrictive practices.</p>
<p>Will dual providers be required to register with the NDIS Commission under a particular registration group if their staff are implementing behavior support plans?</p>	<p>Dual providers who use regulated restrictive practices in the course of implementing a behavior support plan (directing the use of regulated restrictive practices) when delivering NDIS supports or services to an NDIS participant do not need to be registered for a particular registration group. Registration for specialist behaviour support services (under registration group 110) is only required if an NDIS provider wants to undertake behaviour support assessments (including functional behavioural assessments) and are developing behaviour support plans.</p>
<p>If a dual provider uses a restrictive practice for its NDIS participant who does not have a behaviour support plan or funding for these in their NDIS plan, how will this be viewed?</p>	<p>The unauthorised use of a regulated restrictive practice is a reportable incident under the Reportable Incident Rules. For more information see <a href="https://www.ndiscommission.gov.au/providers/incident-management-and-reportable-incidents">https://www.ndiscommission.gov.au/providers/incident-management-and-reportable-incidents</a></p> <p>For more information about the reasonable steps that implementing providers should take in these circumstances see the <a href="#">Implementing providers: Facilitating the development of behaviour support plans that include regulated restrictive practices Fact Sheet</a>.</p>
<p>Will requests for an NDIS plan review need to be submitted to the NDIA for inclusion of funding for the development of behavior support plans for those NDIS participants in residential aged care requiring them?</p>	<p>Possibly. Some NDIS participants residing in residential aged care facilities will already have funding for specialist behaviour support services in their NDIS plan which will fund the development of a behaviour support plan. Others may require an NDIS plan review which can be requested by the participant, nominee or carer.</p>