

ELIMINATING RESTRICTIVE PRACTICES

POLICY AND PROCEDURE

Policy Statement

Mypower Foundations recognises, upholds and promoting the rights of people with disability and their right to personal freedom. Mypower Foundations is committed to eliminating restrictive practices.

This policy supports Mypower Foundations to apply the National Disability Standards and the NDIS Practice Standards, in particular Standard 1: Rights. This policy is owned by the manager.

This policy applies to all persons with disability and all staff and contractors. This policy guides all staff and contractors on the standards of practice regarding eliminating the use of restrictive practices. It identifies the need for safeguarding approaches on rare occasions where restrictive practices are required.

The Director is responsible for this policy and is responsible for the procedures and practice required by this policy.

Principles

- The elimination of restrictive practices upholds and promotes the human rights of all people with disability.
- Continued assessment, planning and review of individual supports is required to eliminate the use of restrictive practices.
- Positive behaviour supports are best developed in collaboration with people with disability, family, friends, carers, advocates and other stakeholders.
- People with disability, their families and carers are the natural authorities for their own lives and are in the best place to communicate their choices and decisions.
- People with disability will be supported and any restrictive practices will be the least restrictive as possible, time limited and used only as a last resort where the benefits to the individual outweigh any possible negative effects.
- Any restrictive practices will only be performed under the guidance and training of a qualified behaviour therapist to ensure safety and quality service to the client.
- Restrictive practices will not be used as a punishment or for staff/contractor convenience.

- Different service types and approaches may be needed for different people in order to ensure each person has the same opportunities.
- Mypower Foundations is committed to the wellbeing, inclusion, safety and quality of life of people with disability.
- Mypower Foundations will do everything it can to ensure people with disability are safe and treated fairly and respectfully with regard to their wellbeing.

Definitions

Staff - This refers to permanent full-time, part-time and casual employees, contract workers, temporary agency workers, and volunteers.

Informed Consent - Informed consent means a person using appropriate and adequate information can make a decision which they make freely and without unfair pressure or influence. Part of informed consent is that the person also understands the consequences of their decisions.

Restrictive Practices - Any intervention and/or practice used to restrict the rights or freedom of movement of people with disability. This includes seclusion, chemical, mechanical, physical, environmental and psychosocial restrictive practices. The Australian Government considers restrictive practices to be:

- *“8.4 Restrictive practices involve the use of interventions and practices that have the effect of restricting the rights or freedom of movement of a person with disability. These primarily include restraint (chemical, mechanical, social or physical) and seclusion. People with disability who display ‘challenging behaviour’ or ‘behaviours of concern’ may be subjected to restrictive practices in a variety of contexts, including: supported accommodation and group homes; residential aged care facilities; mental health facilities; hospitals; prisons; and schools.” (Australian Law Reform Commission 25/04/2014).*
- *Seclusion - confining a person to a room or physical space, on their own and preventing them from leaving day or night.*
- *Chemical - using medication or a chemical substance for the primary purpose of controlling a person’s behaviour. This does not include prescription medication used to treat illness or disease.*
- *Mechanical - using a device to prevent, restrict or subdue a person’s movement or to control a person’s behaviour. This does not include devices used for therapeutic purposes.*
- *Physical – using physical force to prevent, restrict or subdue a person from moving for the primary purpose of controlling a person’s*

behaviour. This does not include physical assistance or support related to duty of care or in activities of daily living.

- *Environmental - restricting a person's free access to all parts of their environment. Examples include physical barriers, locks, limiting use of personal items and limiting social engagement by failing to provide necessary supports.*
- *Psychosocial - using power-control strategies that include but are not limited to requiring a person to stay in one place until told they can leave, directing a person to remain in a particular physical position (e.g., lying down), ignoring, withdrawing privileges or otherwise punishing as a consequence of non-cooperation.*

Procedure

Planning and support

Positive behaviour support plans are to be developed by qualified behavioural therapists to outline the supports the person and relevant stakeholders need to make positive changes and minimise or eliminate the use of restrictive practices. This plan should include strategies to develop the necessary skills and any environmental changes needed.

Mypower Foundations will ensure that staff and contractors are trained by the person's behavioural therapist in the use, implementation and reporting of the plan to the therapist. Staff and contractors will only implement behaviour support plans under the direction of the therapist.

When restrictive practices are required, all stakeholders relevant to the individual will be involved and the informed consent of the person, their family and/or guardian is required for any use, implementation and/or removal of restrictive practice.

Mypower Foundations prioritizes consistent and up-to-date training for all staff and contractors on the "Eliminating Restrictive Practices Policy and Procedure".

- New and Existing staff and contractors are required to take an annual refresher on the policy, addressing updates and any challenges encountered.
- Updated resources and tools will be made available to keep personnel informed on best practices in the field.

Adherence to these trainings is crucial for maintaining the dignity and rights of individuals with disabilities at Mypower Foundations.

Mypower Foundations has implemented a structured system of periodic checks.

- A comprehensive annual review will evaluate the policy's effectiveness, identifying areas for improvement and ensuring all guidelines are strictly followed.
- Open channels will be available for staff, contractors, and stakeholders to report any inconsistencies in policy implementation.
- Post-audit, any deviations or non-compliance identified will be promptly addressed, ensuring consistent application of the policy throughout Mypower Foundations.

Mypower Foundations emphasizes transparency and accountability. To ensure that the rights and concerns of people with disabilities, their families, and our staff are recognized and addressed, we have established a robust grievance mechanism:

- Varied communication channels available for submitting concerns related to policy implementation, ensuring easy access and confidentiality.
- Grievances will be taken seriously, reviewed and submitted concerns will be addressed promptly.
- Staff and stakeholders are encouraged to directly communicate their concerns with management, fostering an environment of trust and open dialogue.
- All grievances will receive an initial response within 48 hours, with a commitment to resolving concerns in a timely manner, aiming for a maximum resolution timeframe of 14 days.
- Once a grievance is resolved, feedback will be solicited to continuously improve the process and ensure satisfaction with the resolution.

Responsibilities

All staff and contractors are responsible for the continued identification and reporting of new restrictive practices to the Facilitators.

All staff and contractors must follow the person with disability's positive behaviour support plans and support the elimination of restrictive practices. Staff and contractors are required to undertake mandatory training and take direction from the therapist, the clients and their families.

The Director ensures staff have sufficient skills, knowledge and ability to meet the requirements. The Facilitators are responsible for ensuring staff are properly trained by the therapist so they can meet their responsibilities.

The Facilitators are responsible for ensuring all unplanned restrictive practices are reported to the therapist.

Reporting

If unplanned restrictive practices are applied due to an incident, the incident and the restrictive practice must be reported immediately to the client's Facilitator within 24 hours and on an incident report form. A serious incident report may also be required please refer to the Complaint's Procedure, and the Incident Form, Incident Report Form and Eliminating Restrictive Practices Policy.

Review and evaluation

Mypower Foundations will refer to the behaviour therapist for them to use a positive behaviour support panel to identify, assess, and approve the implementation of or withdrawal of restrictive practices.

Relevant Legislation and Policies

- Privacy Act 1988
- Work Health and Safety Act 2011
- NSW Disability Services Standards
- National Standards for Disability Services
- NSW Disability Inclusion Act 2014
- Disability Discrimination Act 1992
- Children and Young Persons (Care and Protection) Act 1998
- National Disability Insurance Scheme Act 2013
- Mental Health Act 2007 (NSW)
- NDIS Code of Conduct
- NDIS Quality and Safeguarding Framework
- Universal Declaration of Human Rights
- United Nations Convention on The Rights of Persons with Disabilities