

Practice Bulletin

Application, authorisation, and consent processes for Restrictive Practice

Purpose

This practice bulletin provides important information for Endeavour Foundation staff regarding the role of the Complex Support Team in:

- Requesting short-term approval for the use of restrictive practice
- Submitting Queensland Civil and Administrative Tribunal (QCAT) applications for the appointment of a Guardian for Restrictive Practice; and
- Seeking consent from formally appointed Guardians regarding the use of restrictive practice within a client's Positive Behaviour Support Plan (PBSP).

Requirements

Any use of restrictive practice requires authorisation under the relevant State authorisation processes, be articulated within a client's PBSP, and be consented to by the client and/or their guardian, approval from a guardianship board or tribunal, or from an approved officer.

To ensure that Endeavour Foundation continues to meet its legislated requirements regarding the use of all forms of restrictive practice, the Complex Support Team will be responsible for the following:

Short term approval to use restrictive practices

Where it has been identified that the use of a restrictive practice is required on an ongoing basis, the Complex Support Team will submit all requests for short-term use of the restriction to the relevant state-based authorisation process.

In Queensland:

- Short Term Approval (STA) applications regarding the short-term use of physical restraint, mechanical restraint, chemical restraint and/or restricted access to objects are submitted to the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP).
- Requests regarding the short-term use of containment and seclusion are submitted to QCAT.

In Victoria:

- Applications regarding the use of seclusion, mechanical and physical restraint and chemical and environmental restraint are submitted to the Victorian Senior Practitioner.

In NSW:

- Consent must be obtained from the participant, or their formally appointed guardian for restrictive practice.

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When submitting short-term approvals, the Complex Support Team will always work closely with frontline leaders to ensure that relevant evidence is provided, and that appropriate decision-makers are contacted.

In addition to submitting applications for short-term approval, the Complex Support Team will also ensure approval conditions are met. For example, conditions of the approval may be that EF ensure a PBSP is developed for the client and trained out within a particular timeframe; and that an application be submitted for the formal appointment of a Guardian for restrictive practice.

QCAT applications for formal appointment of a Guardian (Restrictive Practice)

The Complex Support Team is responsible for submitting all Guardianship applications. This includes applications for appointment of a Guardian for restrictive practice.

When submitting Guardianship applications, the Complex Support Team will always work closely with frontline staff to ensure that relevant evidence is provided, and that appropriate decision-makers are contacted.

As applicants, a member of the Complex Support Team will always attend Tribunal hearings and will liaise with frontline leaders to ensure that the client, family members, and appropriate EF staff are in attendance for the hearing. It is important that appropriate frontline leaders (including Operations Managers) attend Tribunal hearings to ensure relevant information about the client home or work/community environment is provided to the sitting QCAT Member.

Guardian consent for the use of restrictive practice within PBSP

The Complex Support Team will review all Interim and Comprehensive PBSPs (involving use of restrictive practice) developed by PBS Practitioners.

The PBSP and *Restrictive Practice Consent Form (QF 8100.11)* will be sent to the client's formally appointed Guardian for restrictive practice for them to review and sign. Once the consent form has been received, the Complex Support Team will upload to the NDIS Commission Portal and record the PBSP as 'Authorised'.

Consent from formally appointed Guardians for restrictive practice is required with any updates and/or reviews of client PBSPs. Reviews of client PBSPs generally occur every 12-months.

Further assistance

Please contact the Complex Support team at ComplexSupport@endeavour.com.au for any advice or further information regarding the content of this Practice Bulletin.

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