Government of South Australia
Department of Human Services

New laws about restrictive practices

Department of Human Services

Easy English

Hard words

This book has some hard words.

The first time we write a hard word

- the word is in **blue**

- we write what the hard word means.

You can get help with this book

You can get someone to help you

- read this book

- know what this book is about

- find more information.

About this book

Government of South Australia
Department of Human Services

This book is from the

Department of Human Services.

This book is about **restrictive practices** and new laws.

Restrictive practices may protect people with disability from hurting

- themselves

- other people.

This book tells you about a new **Act** that will make sure restrictive practices

- are used safely

- are only used when there are **no** other options.

An Act is a law that people **must** follow.

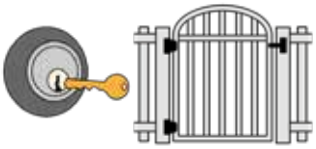
Different types of restrictive practices

Restrictive practices can include

- **Physical restraints**
  - for example, holding someone so they can **not** move

- **Chemical restraints**
  - for example, medicine to calm someone down

- **Mechanical restraints**
  - for example, equipment to keep someone safe



- **Environmental restraints**
  - for example, a locked gate

- **Seclusion**
  - for example, when someone is kept away from other people.

When can restrictive practices be used?

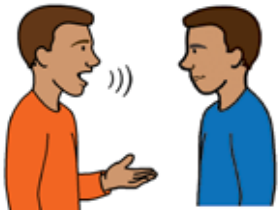
Disability service providers can use restrictive practices to stop **behaviours of concern.**

Behaviours of concern are behaviours that can hurt

- you

or

- someone else.

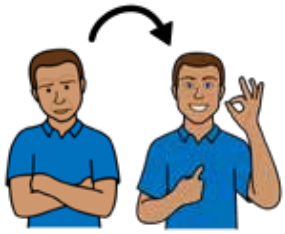


Disability service providers can only use a restrictive practice

- **after** they try other things to stop the behaviour

- for a short time

- if the practice is written in a **behaviour support plan**.



Behaviour support plans tell disability service providers how to help change a behaviour of concern.

We will call it the **plan**.

Who writes the plan?

A Behaviour Support Practitioner writes the behaviour support plan.

A Behaviour Support Practitioner must try to include ideas from you and your support team when writing the plan.

For example, this could include

- your doctor

- your family or guardian

- your support carer

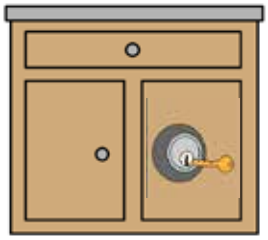
- your therapists.

Levels of restrictive practices

We have put restrictive practices into levels to help protect you better.

Level 1 restrictive practices impact on movement and freedom less.

For example, Level 1 may be



- locking cupboards

or

- wearing gloves to prevent skin picking.

An Authorised Program Officer can approve Level 1 restrictive practices.

Level 2 restrictive practices impact on movement and freedom more.

For example, Level 2 may be

- holding someone to keep them from moving

or

- leaving a person in a room on their own.

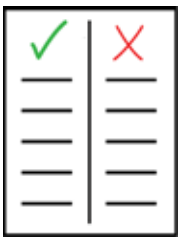
Only the Senior Authorising Officer can approve Level 2 restrictive practices.

If you do **not** agree with a decision made by

- an Authorised Program Officer you can ask the Senior Authorising Officer to check the decision.

- the Senior Authorising Officer you can ask the South Australian Civil and Administrative Tribunal to check the decision.

What will change under the new law?



There will be new **regulations** about who can approve different restrictive practices.

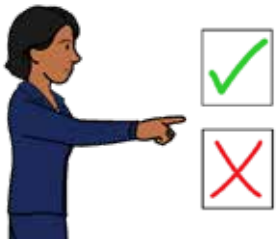
Regulations give more information about

- how the law will be used

- how people **must** follow the law.

There will be a **Senior Authorising Officer**.

The Senior Authorising Officer is a person who works with disability service providers to



- make decisions about the use of Level 2 restrictive practices

- train staff about restrictive practices

- make sure restrictive practices are used safely.

The Senior Authorising Officer will check that disability service providers follow

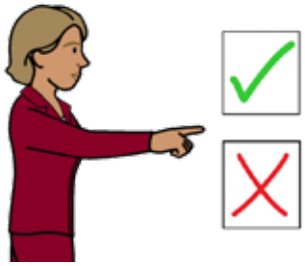
- the state rules

- the **guidelines**.

Guidelines give people step by step rules to help follow regulations.

There will be **Authorised Program Officers** to help the Senior Authorising Officer.

An Authorised Program Officer is a person who works with disability service providers to



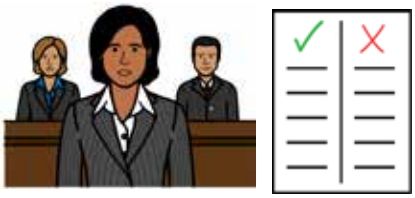
- make decisions about the use of Level 1 restrictive practices

- check that disability service providers follow the state rules.

New laws allow disability service providers to search a person who may

- hide food that may choke themselves or others

- hide dangerous items that can hurt themselves or others.



The government will share more rules about how to do this in a safe way.

How are your rights protected?

Disability service providers **must** follow rules when they use restrictive practices.

For example, they **must**

- check the plan with the person and their family

- ask for advice from a Behaviour Support Practitioner

- have approval from an Authorised Program Officer **or** the Senior Authorising Officer.

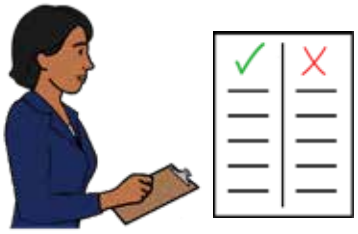
These rules are here to protect your rights.

The Authorised Program Officer can only approve restrictive practices written in the plan.

The plan **must** be written with ideas from

- the person with disability

- the family or guardian
- other important people in your life.



The Senior Authorising Officer can check if the Authorised Program Officer is following the rules.

You can talk to someone you trust if you are **not** happy.

What happens if someone does not follow the new rules?

Disability service providers that work with the NDIS **must** follow the rules.

Disability service providers that do **not** follow the rules may be reported to the **NDIS Quality and Safeguards Commission**.

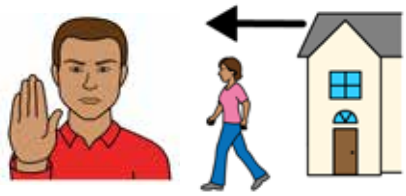
The NDIS Quality and Safeguard Commission help check that disability service providers follow the rules.

The Senior Authorising Officer can stop Authorised Program Officers from making decisions if they do **not** follow the rules.

The Senior Authorising Officer will work together with the national Senior Practitioner in the NDIS Quality and Safeguards Commission.

What is detention?

The new law does **not** allow for detention to be used as a restrictive practice.



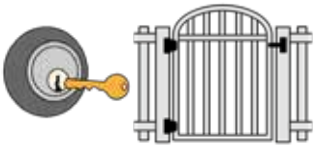
Detention is when

- someone stops another persons ability to leave a place

- someone forces another person to stay in a place

- someone takes away another persons way of leaving a place.
  For example, taking a persons wheelchair.

Decisions about detention are made by the South Australian Civil and Administrative Tribunal.



The new law allows the use of

- environmental restraints
  - for example, a locked gate.

- seclusion
  - for example, when someone is kept away from other people.

Some approved restrictive practices may be like detention.

The new law will make sure restrictive practices

- are used safely

- are only used when there are **no** other options.

Notes

More information

For more information contact the Department of Human Services.

Website

www.dhs.sa.gov.au

Email

DHSRestrictivePracticesUnit@sa.gov.au

Link to original document

https://yoursay.sa.gov.au/68837/widgets/337517/documents/204870

If you need help to speak or listen use the National Relay Service.

Call 1800 555 660

Website

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Give the relay officer the phone number you want to call.

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