



Key points

- ✓ Everyone in a vehicle is required to wear a seat belt, child restraint or booster seat.
- ✓ If a person displays behaviours of concern, non-restrictive interventions should always be used in the first instance.
- ✓ If a person displays behaviours of concern, devices might need to be applied to enable safe transportation of the person.
- ✓ Positive behaviour support strategies should support fading out the use of restrictive practices over time.
- ✓ If you are unsure whether a practice is a restrictive practice or not, seek advice.

Introduction to safe transportation and restrictive practices

This information sheet is for NSW NDIS Service Providers and practitioners to assist in identifying whether using certain devices with people with disabilities who display behaviours of concern in a vehicle are a restrictive practice.

Under the NSW Road Rules 2014, it is a requirement for everyone to wear a seat belt¹, child restraint or use a booster seat when travelling in a motor vehicle, which also includes taxi drivers and taxi passengers.

Modifications may be required to facilitate a person with disability to travel as a vehicle passenger, such modifications must comply with the Roads Transport (Vehicle Registration) Regulation and the Vehicle Safety Compliance Certification Scheme (VSCCS).

A restrictive practice is an intervention which has the effect of restricting the rights, freedom of movement, or access of a person with a disability who is displaying a behaviour of concern. Restrictive practices should be used only in limited circumstances as a last resort and not as a first response to behaviours of concern, or as a substitute for adequate supervision. We are working towards the reduction and elimination of the use of restrictive practices.

Restrictive practices include:

- Seclusion
- Physical Restraint
- **Mechanical Restraint**
- Chemical Restraint
- Environmental Restraint.

The NSW Government oversees authorisation of restrictive practices used by registered NSW NDIS Service Providers. The NDIS Quality and Safeguards Commission provides leadership in behaviour support and in the reduction and elimination of restrictive practices.

¹ Road Rules 2014 (NSW) - 264-266. Seatbelts need to be worn by drivers and passengers under 16 years of age and over 16 years of age. A medical certificate by a doctor may provide an exemption to wearing a seatbelt in a vehicle. <https://www.legislation.nsw.gov.au>



Safe transportation of people with behaviours of concern

Where the use of a device or harness is used solely for therapeutic, and non-behavioural purposes² to ensure the person is safely transported, such devices are not deemed to be a restrictive practice requiring authorisation. Such circumstances would include (but are not limited to) interventions or devices for postural support or to secure a wheelchair. These circumstances would require a documented assessment by a health or allied health practitioner.

In some circumstances, behaviours of concern may occur during transportation that require a planned response. Where behaviours do occur, non-restrictive interventions should always be used in the first instance.



What are some considerations that may inform positive and non-restrictive strategies?

- Think about why the behaviour of concern might be occurring?
 - Is the person physically uncomfortable or sensory overloaded?
 - Do they have difficulty with transitions between environments?
 - Do they want to stay at home, or stay in the community...why?
 - Do they not like where they are going?
 - Are they uncomfortable with who they are sitting next to?
 - Did something unpleasant happen to the person before they got in the vehicle?
 - Does the person have a history of negative associations or experiences when travelling in vehicles?

Sometimes the results of a risk assessment might mean that some type of harness or other device might need to be applied to enable safe transportation of a person who may engage in behaviours of concern. Refer to the *NSW Roads and Maritime Services* website for guidelines regarding potential modifications³.

Some devices might include⁴:

• Buckle guard	• Harness
• Special purpose restraint	• A device that limits the movement of a person's arms, legs or head
• Adjustable vest	• Using the 'child lock' option on the door

² NSW FACS Restrictive Practices Authorisation Policy. Mechanical restraint.

https://www.facs.nsw.gov.au/_data/assets/pdf_file/0006/592755/Restrictive-Practice-Authorisation-Policy-2018.pdf

³ NSW Roads and Maritime Services Vehicle Standards Information – No 21 Guidelines for modifying vehicles for people with disability <https://www.rms.nsw.gov.au/documents/roads/safety-rules/standards/vsi-21-modifications-for-disability.pdf>

⁴ Speech Pathologists, Physiotherapists and Occupational Therapists on Developmental Disability (Spot on DD) provides information on the different types of harness, buckle guards and vests. Available:

<http://spotondd.org.au/2018/transpot/>

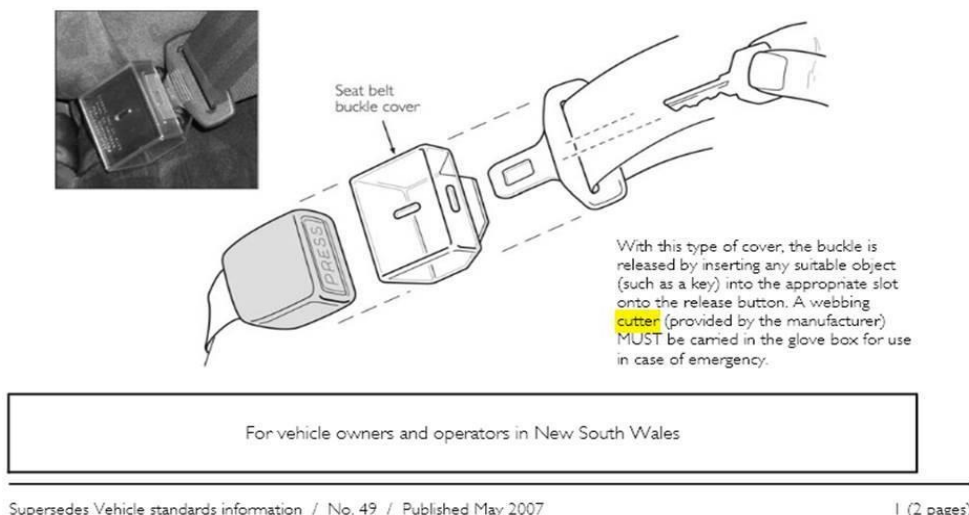


NSW Roads and Maritime Service (RMS) rules for use of seatbelt buckle guard.

The RMS document **Vehicle standard Information VSI-49 seat-belt-buckles**⁵ outlines the legal requirements for use of seatbelt buckle guards. The conditions are summarised below:

- A Medical Practitioner must provide a medical certificate for the nominated person; the Certificate should state that a buckle guard is necessary for the transportation of the nominated person.
- The use of a seat belt cover is only for the nominated person and must be removed when the vehicle is not in use for that person.
- This certificate must be kept in the vehicle and be presented to an authorised RMS Officer or Police when required.
- The buckle guard must comply with **Australian Standards AS 4370**⁶ and be fitted according to manufacturer's instructions. Manufacturer's instructions should be attached to the medical certificate.
- When using a seatbelt buckle cover, a webbing cutter needs to be available and accessible for use in an emergency. The manufacturer of the buckle guard will provide the webbing cutter.
- The vehicle must be comply with NSW registration rules.

FIGURE 1: EXAMPLE OF A SEAT BELT BUCKLE COVER

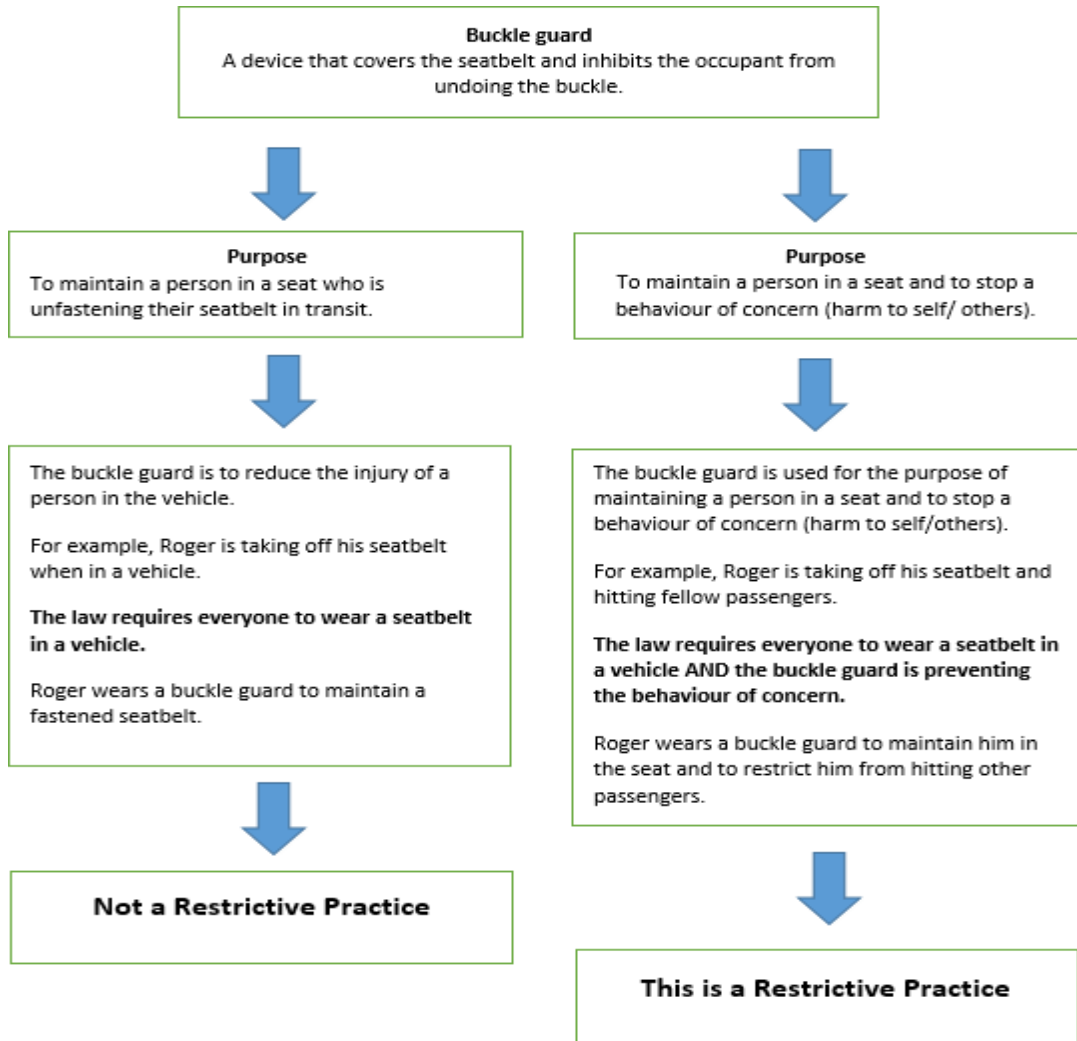


⁵ NSW Roads and Maritime Vehicle standards Information seat belt buckle VSI-49

covers <https://www.rms.nsw.gov.au/documents/roads/safety-rules/standards/vsi-49-seat-belt-buckle-covers.pdf>

⁶ NSW Roads and Maritime Services Vehicle Standards Information – No 21 Guidelines for modifying vehicles for people with disability <https://www.rms.nsw.gov.au/documents/roads/safety-rules/standards/vsi-21-modifications-for-disability.pdf>

The following example is based on the Victoria Health and Human Services guide on *Transportation of children with disabilities who display behaviours of concern* and may be useful in determining whether the use of a buckle guard is to solely address a legal requirement or to address a person's behaviour of concern.





Does the definition of mechanical restraint include devices used for therapeutic purposes?

Use of a device to prevent, restrict, or subdue a person's movement is not always a mechanical restraint that requires authorisation. It is not the use of a device that requires authorisation, but its use as a mechanical restraint to manage behaviour. The key point is the primary purpose of using the device.

Some devices might, or might not, be a mechanical restraint depending on why they are being used.

An example of a device and when it does, or do not, require authorisation as a mechanical restraint is discussed below.

The use of a harness to help a person calm down or prevent them from engaging in voluntary movements that could injure themselves or others, and is considered to have the primary purpose of addressing a behaviour of concern is a mechanical restraint and **authorisation is required**.

The use of a harness in a wheelchair for postural support which has been prescribed by an occupational therapist for the primary purpose of helping a person with functional activities is not a mechanical restraint and **authorisation is not required**.

The use of a harness in a vehicle to prevent a person from moving the seat belt strap away from the legally required position (eg. moving it behind their body), making their transportation unsafe, may not be a mechanical restraint if an assessment determines that the person is doing this for sensory reasons only; **authorisation may not be required**.

The use of a harness in a vehicle to prevent a person from interfering with other people in the vehicle, if it is the least restrictive effective strategy, and is considered to have the primary purpose of addressing behaviours of concern is a mechanical

restraint and **authorisation is required**.



What duty of care issues should I consider when transporting a person with behaviours of concern?

Anyone for whom a mechanical restraint is recommended or used should have a functional behaviour assessment to identify appropriate environmental, personal, and social supports.

Devices may cause or contribute to injury or discomfort, especially if used incorrectly or poorly fitted. People who have complex communication needs should be assessed by a speech pathologist and supported to communicate, where possible, any discomfort or pain they experience from the use of a device. Devices should be assessed regularly to ensure that they are in good working order, are safe to operate, and are the appropriate size for the person. Devices should not be used unless they are clean and working safely.

Devices that are not usually associated with restrictive practices, such as devices for safe transportation, like seatbelt guards, or to prevent injury, like bed rails, may still be prohibited if they are used for inappropriate purposes, such as for punishment.

Sometimes behaviours of concern have physical causes, such as an illness like gastro-oesophageal reflux or untreated fractures, which may result in the person feeling sad, angry or aggressive. Prior to behaviour support, a medical practitioner needs to conduct a thorough health assessment.

While mechanical restraint can improve safety in the short term, it is not a treatment with lasting benefits that support fading out the use of restrictive practices over time. Positive behaviour support strategies should also be used to reduce environmental causes and help the person to develop new behaviours.



Further reading

1. NSW Restrictive Practices Authorisation Policy_
<file:///H:/Chrome%20Downloads/Restrictive-Practices-Authorisation-Policy.pdf>
2. NSW Restrictive Practices Authorisation Procedural Guide._
<file:///H:/Chrome%20Downloads/Restrictive-Practices-Authorisation-Procedural-Guide.pdf>
3. NSW RPA Mechanical Restraint Guidance_
<file:///H:/Chrome%20Downloads/Restrictive-Practices-Resources-mechanical-restraint-guidance.pdf>
4. NSW RPA Environmental Restraint Guidance_
<file:///H:/Chrome%20Downloads/Restrictive-Practices-Resources-environmental-restraint-guidance.pdf>