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NSW Restrictive Practices Authorisation (RPA)

News

RPA Newsletter - August 2021

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Welcome to the August 2021 issue of the NSW RPA Newsletter. In this issue we will be discussing:

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We encourage you to help spread the word and forward the monthly RPA Newsletter on to your colleagues. Help us keep the NSW sector informed about restrictive practice authorisation in NSW.

COVID - 19

The NDIS Quality and Safeguards Commission, NSW Government and Council for Intellectual Disability (CID) links below provide information, resources and advice on the management of COVID19 for service providers.

Resources

- [NEW! Version 2: NDIS Commission Fact Sheet COVID-19 Vaccination and Restrictive Practices](#)
 - [Information for people with disability about COVID-19 vaccines](#)
 - [Guidelines on the rights of people with disability in health and disability care during COVID-19](#)
 - [NSW Health accessible resources on COVID-19](#)
 - [Coronavirus \(COVID-19\): Behaviour support and restrictive practices](#)
 - [Coronavirus Disease 2019 \(COVID-19\) Outbreaks in Residential Care Facilities](#)
 - [NDIS Commission coronavirus \(COVID-19\) information](#)
 - [NSW Government COVID-19 Website](#)
 - [Looking after your health during Coronavirus](#)
 - [Information for Service Providers \(DCJ\)](#)
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NSW RPA Webinars

DCJ are currently running regular webinars and will be conducting each of our two webinars fortnightly. One webinar focuses on authorisation requirements. The other focuses on the end-to-end process of submitting and approving restrictive practices in the NSW RPA System. The webinars will now alternate between Tuesdays and Thursdays.

Webinar 1 - RPA Requirements in NSW

Thursday, 2 September 10.30am - 12.30pm

Tuesday, 14 September 10.30am - 12.30pm (Save the date)

This session is recommended for anyone who is new to RPA in NSW or who would like a better understanding of the requirements for authorising a restrictive practice. Participants will have the opportunity to ask policy-related questions.

Webinar 2 - End-to-end NSW RPA system demonstration

Tuesday, 24 August 10.30am - 12pm

Thursday, 9 September 10.30am - 12pm

This session is recommended for new users of the RPA System who have not attended previous information sessions. It will focus on how to submit and approve restrictive practices in the NSW RPA System. The webinar will also include an overview of roles and responsibilities according to the function (i.e. Behaviour Support Practitioner) and how key dashboard components can assist with the monitoring of practices.

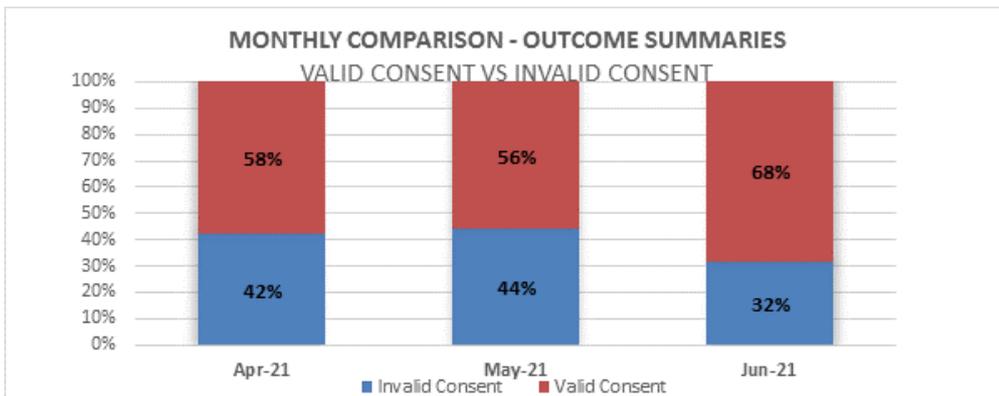
For more information, or to register for any of the webinars, please go to our Eventbrite page [here](#).



Let's Talk Quality

The Central Restrictive Practices Team (our team) has now completed the review of all outcome summaries finalised in the NSW RPA System for June 2021. Below is a summary of our findings, and the supports we can provide you.

Consent



Of the 531 outcome summaries completed in June 2021, we considered 32% (i.e. 169 Outcome Summaries) to be invalid because appropriate consent was not provided. As you can see from the graph above, this is an improvement of 12% from May 2021, so we are heading in the right direction.

The top five reasons why consent was considered invalid are listed below; the figure in brackets is the percentage of outcome summaries with invalid consent that contained this error:

- Consent was not provided by an authorised person (30%). This includes instances where no evidence was provided that the person providing consent had a guardianship order with a restrictive practices function.
- Evidence of consent for the practice was not attached (18%). It is important to ensure that consent is uploaded to each outcome summary attached to a submission.
- Incomplete consent information attached (18%). An example of this is where a consent document was attached to the outcome summary, but it did not contain the specific practices that consent was being provided for.

- Consent was provided for the behaviour support plan BUT NOT for the implementing provider to implement the practice (10%)
- Guardianship order attached but specific consent to implement the practice was not noted (7%); please see below for more information.

A Guardianship Order does not include consent by the Guardian to implement a restrictive practice

A Guardianship Order is a document from the NSW Civil and Administrative Tribunal (NCAT) that appoints a guardian under the Guardianship Act 1987 for a person with a decision making disability; it is put in place if a person cannot provide their own consent. The Guardianship Order details the areas that the guardian is authorised to make decisions about; for a guardian to consent to the implementation of restrictive practices, the Guardianship Order needs to include a restrictive practices function (and specify which category of restrictive practices the guardian can consent to).

The Guardianship Order is simply appointing a substitute decision maker, it does not provide consent to implement specific restrictive practices. More information on how to apply for a guardianship order can be found on the [NCAT website](#).

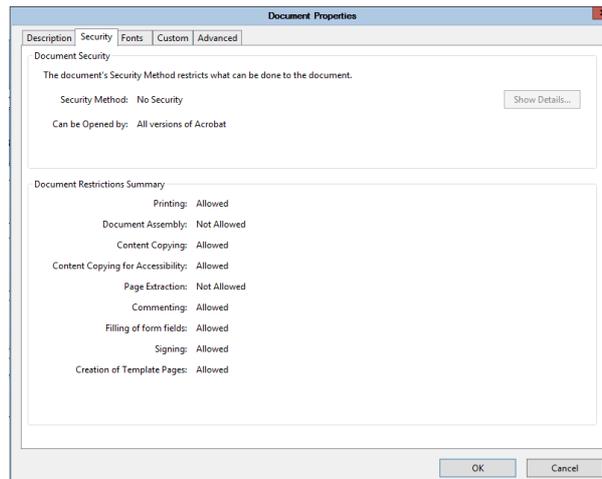
Consent to implement restrictive practices by the appointed guardian is where the legally appointed guardian specifically gives their permission to the service provider to implement the specific restrictive practices contained in a submission. For consent to be valid, it must be voluntary, informed, specific and current. Consent must be sought for the specific restrictions each time authorisation is sought.

As there is still a lot of room for improvement, our team will be conducting further reviews of consent attached to outcome summaries completed in July, August and September 2021, and will keep you informed of the results.

Your supports

Our team can provide you with a number of supports to assist you to get consent correct; these include:

- Having regular meetings with providers to discuss the results of the review specific to your organisation, and to provide some capacity building around consent requirements under the NSW RPA Policy; these meetings will continue over the coming months. [Email us to arrange a meeting to discuss consent requirements](#)
- Giving you feedback on your consent requirements specific to a practice; please [email us](#) for more information
- DCJ Independent Specialists can provide you with information on the consent requirements at RPA Panels for the practices that are being authorised.
- Having additional focus on consent requirements in the RPA Webinars that are hosted regularly by our team.



NSW RPA System Tip of the Month

If you are having difficulty uploading a document, please check that it does not have a security protocol engaged, such as a password.

If the protocol has been set by default by your scanner, try re-saving the document to remove the security settings.



Case Study

Brad is a 19 year old man with a cognitive impairment who lives with his family and also receives NDIS-funded drop-in support from disability support workers twice a week. His

drop-in service provides with support in the house and also take him into the community. No other services are involved in Brad's day-to-day care.

At home and in the community Brad displays a number of behaviours of concern and has a behaviour support plan which contains restrictive practices. These practices include both routine and PRN medication for behaviour management purposes, and supported access to the community (i.e. Brad cannot go into the community independently).

All of Brad's restrictive practices are implemented by his family. His drop-in support provider only implements the environmental restraint of restricted access to the community and chemical restraint of PRN. Since Brad lives in his family home, both his family and drop-in support providers are unclear whether the restrictive practices require authorisation.

As restrictive practice authorisation (RPA) is limited to NDIS-funded service providers, Brad's family do not need to have these restrictive practices authorised.

However, as Brad's drop-in support provider is NDIS-funded they will need to be registered with the NDIS Quality and Safeguards Commission to implement the identified restrictive practices. Brad's drop-in support provider therefore needs to be registered in the NSW RPA System and will need to create a submission and convene an RPA panel which approves the two restrictive practices so they are authorised to implement the practices. They will also need to report on the authorised and unauthorised use of these restrictive practices in line with those requirements of the NDIS Quality and Safeguards Commission.

If Brad's circumstances change and his drop-in support provider needs to also implement the routine chemical restraint, his behaviour support plan will need to be updated to reflect this practice. The drop-in support provider will then need to go through the RPA Process to have the practice authorised and report on the authorised and unauthorised use of the practices in line with the requirements of the NDIS Quality and Safeguards Commission.



Test your knowledge!

Question 1: True or False? A Guardianship Order, on its own, is sufficient evidence of consent to a restrictive practice?

Question 2: What may prevent a document from uploading to the NSW RPA System?

Question 3: True or False? An NDIS participant self-administers routine medication which is prescribed for behavioural purposes, this does not require restrictive practice authorisation?



RPA News will be published monthly on the Department of Communities and Justice [Restrictive Practices Authorisation web page](#). If you would like to suggest a colleague or service to be included in Spotlight On... or Provider in Focus, or if you have any questions about restrictive practices authorisation or this newsletter, please email: RestrictivePracticesAuthorisation@facs.nsw.gov.au



Test Your Knowledge Answers:

Q1: False. A Guardianship Order, on its own, does not constitute sufficient evidence of consent to a restrictive practice. There would also need to be a document outlining the Guardian's consent to the specific practices which have been proposed, including the date

the consent begins and ends.

Q2: A document may be prevented from uploading to the NSW RPA System in cases where a security protocol is engaged.

Q3: True. While the Behaviour Support Practitioner should still include this as a restrictive practice in the Behaviour Support Plan, because the practice is not implemented by an NDIS Service Provider, it does not require authorisation by a RPA Panel.

Our mailing address is:
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