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Communities and Justice

NSW Restrictive Practices Authorisation (RPA)

News

RPA Newsletter - April 2022

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Welcome to the April 2022 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.



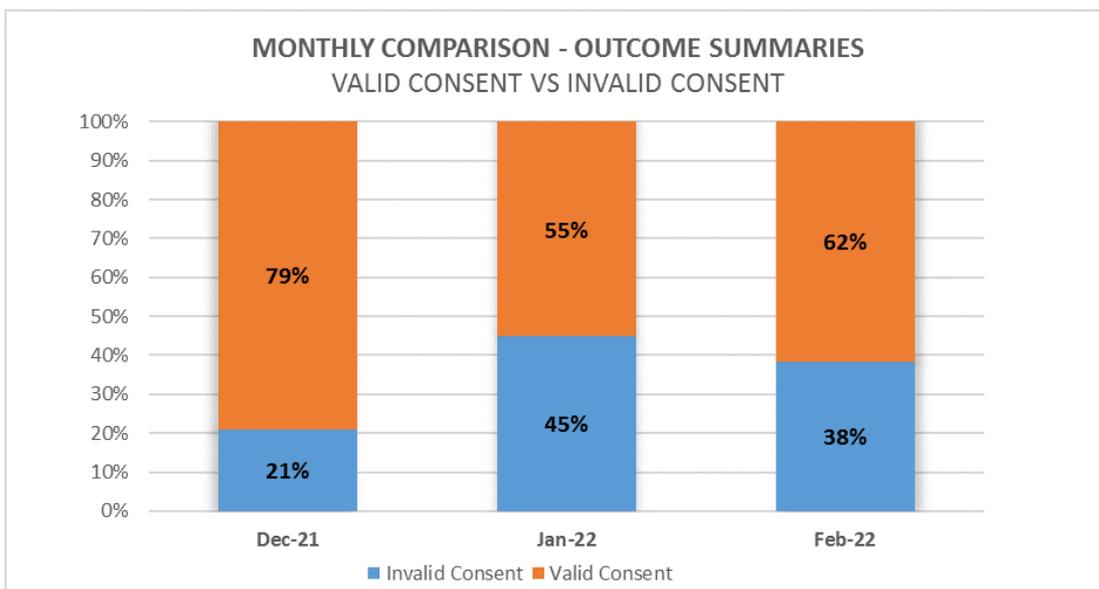
Let's Talk Quality

The Central Restrictive Practices Team (our team) has completed the review of all outcome summaries finalised in the NSW RPA System for February 2022. This is summarised below.

Consent

468 Outcome Summaries were completed in February 2022. Of these, 38% (or 180 Outcome Summaries) were considered invalid because appropriate consent was not provided.

In February 2022 there is slight improvement compared to January 2022 reviews. You can see this in the graph below.



A bar chart comparing the last three months of valid vs. invalid consent shows December 79% Valid to 21% Invalid; January 55% Valid to 45% Invalid; February 62% Valid to 38% Invalid.

The top five reasons why we considered consent invalid in February 2022 outcome summaries are listed below and the figure in brackets is the percentage of outcome summaries which contained this error:

- **Consent was not provided by an authorised person (36%).** 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 (24%).** Evidence of consent must be uploaded to each outcome summary of your submission before it is completed.
- **Consent was not provided by an authorised person AND Incomplete consent information attached (9%).** An example of this is where a consent document was attached to the outcome summary that was signed by a person that was not authorised to provide consent, **AND** it did not contain the specific practices that consent was being provided for.
- **Evidence to share information was uploaded but not consent to implement the practice (9%):** In NSW consent is required at two stages of the authorisation process: 1) Consent to share information with an RPA Panel, and 2) Consent to implement the practice. Consent to share information with an RPA Panel does not constitute consent to implement the practice. **To have the practice authorised, valid consent to implement the practice is required** in addition to the RPA Panel's approval.
- **Guardianship order attached but specific consent to implement the practice was not noted (9%).** A Guardianship Order only appoints a guardian as a substitute decision maker for an individual, it does not provide the consent to implement specific restrictive practices. When completing your outcome summaries you are required to include consent from the appointed guardian.

Your supports

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

- meeting with your organisation 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
- giving you feedback on your consent requirements specific to a practice
- providing you with information on what sections of the RPA Policy may or may not be relevant to your situation (such as the use of section 4.4.5)
- our DCJ Independent Specialists providing 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.

Please email us for more information.



NSW RPA Webinars

DCJ are currently running regular webinars and will be conducting each of our two webinars monthly. 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 5 May, 10.30am - 12.30pm

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

Thursday 12 May, 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](#).



NSW RPA System Update: Review Reminders

The NSW RPA System will now feature reminders in section 4 of Outcome Summaries to assist users to remember to request a review. This will help users to remember to schedule a review where the panel provides approval with conditions, or where the restrictive practice type is seclusion, physical restraint or chemical restraint.

The reminders will provide details of what schedule of reviews is recommended depending on the type of restrictive practice, and will recommend users tick the box 'Panel requires a review of use'. Where the panel approves authorisation with conditions, the 'Panel requires a review of use' box will be ticked automatically, to encourage users to remember to schedule a review where approval with conditions has been given. Users will still be able to un-tick the box, however this is not best practice.



Implementing Service Provider RPA Panel Responsibilities

What are the responsibilities of the implementing service provider in regards to the organisation, running and resourcing of RPA Panels? The implementing service provider has a range of RPA Panel responsibilities, including before, during and after the panel

meeting.

Prior to the RPA Panel Meeting

Prior to the RPA Panel meeting, the implementing provider is responsible for ensuring that all information the panel will require has been entered in the Submission in the online NSW RPA System. They are also responsible for ensuring all members have been allocated to the panel, the submission has been endorsed and the submission reaches 'Released' status with enough time before the panel meeting to ensure all panel members have time to view the material. The implementing provide also must ensure that the details for the meeting have been provided to all panel members - that is, a video link has been set up and sent for video meetings; a phone number has been provided for phone meetings; or an address has been provided for face-to-face meetings.

During the RPA Panel Meeting

During the RPA Panel meeting, the implementing provider, and in particular, the service provider manager who acts as the panel convenor, is responsible for keeping notes regarding the discussion that occurs, and the decisions made by the panel. The panel convenor may delegate to someone present from their organisation. The panel convenor may choose to enter these details directly into the Outcome Summary of the NSW RPA System while the meeting is taking place, rather than taking notes to enter later. The Independent Specialist may take notes during the meeting, however, implementing providers need to be aware that they still hold responsibility for ensuring accurate record keeping of the meeting, it is not the responsibility of the Independent Specialist. The panel convenor is also responsible for actively participating in the panel discussion and decision. They should have particular input surrounding the operational context in which the restrictive practices will be implemented. The panel convenor also accepts responsibility on behalf of the organisation for implementing the strategy, training staff and providing a safe environment for NDIS participants and staff.

After the RPA Panel Meeting

After the RPA Panel meeting, the implementing provider is responsible for ensuring the Outcome Summary/ies are completed in the NSW RPA System. This includes entering details of the panel's discussion and decision, as well as uploading evidence of consent to implement the practice. Enough detail should be included so that someone who was not in attendance at the meeting would be able to understand what points the panel discussed and how the panel arrived at its decision. The implementing provider is responsible for ensuring that the Outcome Summary/ies reach Completed status, and providing any authorised Outcome Summaries to the NDIS Commission as evidence of authorisation.

If you have any questions about your responsibilities regarding RPA Panels, please get in touch with the Central Restrictive Practices Team at restrictivepracticesauthorisation@dcj.nsw.gov.au.

QUIZ!

Test your knowledge!

Question 1: Who is responsible for obtaining consent from the consent-giver to implement restrictive practices?

Question 2: Can the RPA Panel member who has specialist behaviour support expertise be the same person who wrote the BSP?

Question 3: True or false? The decision of an RPA Panel ultimately sits with the Independent Specialist.



RPA News will be published monthly on the Department of Communities and Justice [Restrictive Practices Authorisation web page](#). If you have any questions about restrictive practices authorisation or this newsletter, please email: RestrictivePracticesAuthorisation@facs.nsw.gov.au



Test Your Knowledge Answers:

Q1: The implementing provider is responsible for ensuring consent is obtained to implement the restrictive practice. Others may be involved in this process, but ultimately the responsibility for ensuring the consent is obtained sits with the implementing provider.

Q2: No, the panel must operate at arm's length from the development of the BSP, therefore, neither the person who wrote the BSP, nor a supervisor who has signed off on the BSP, may sit on the RPA Panel as a decision-maker. The practitioner who wrote the BSP is encouraged to attend to contribute to the panel discussion and answer any questions which arise.

Q3: False. The decision of the RPA Panel must be unanimous among all panel members.

Our mailing address is:

RestrictivePracticesAuthorisation@facs.nsw.gov.au

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