

Senior Practitioner (Positive Behaviour Support Plan) Guideline 2019 (No 1)

Disallowable instrument DI2019–64

made under the

Senior Practitioner Act 2018, Section 12

EXPLANATORY STATEMENT

Introduction

The *Senior Practitioner Act 2018* ('the Act') provides a formal framework for the reduction and elimination of restrictive practices by service providers in the ACT.

A 'restrictive practice' is defined under Section 7(1) of the Act to mean a practice that is used to restrict the rights or freedom of movement of a person for the primary purpose of protecting the person or others from harm. It includes:

- chemical restraint;
- environmental restraint;
- mechanical restraint;
- physical restraint;
- seclusion; and/or
- verbal directions, or gestural conduct, of a coercive nature

The Act enshrines the principle that providers should only use restrictive practices in very limited circumstances – as a last resort, in the least restrictive way and for the shortest period possible in the circumstances.

The Act also provides an operational structure for the Senior Practitioner which reaffirms and strengthens the rights and responsibilities of vulnerable people, recognising that this requires support from across the government sector and within the community.

To whom does the Act apply?

The Act is specifically aimed at regulating the use of restrictive practices by service providers.

'Providers' are defined under the Act as persons or other entities who provide any of the following services to another person:

- education (including education and care);
- disability;
- care and protection of children (i.e., residential out-of-home care);
- a service prescribed by regulation.

The legislation protects the rights of all individuals in the above settings, not just those with a disability.

The influence and leadership of the Senior Practitioner will also drive cultural change across all sectors where restrictive practices may be an issue.

Purpose of this Guideline

The Senior Practitioner is required to issue Guidelines about certain matters to assist providers to understand their responsibilities in relation to restrictive practices.

Section 12(1) of the Act states that the Senior Practitioner must issue a guideline in relation to Positive Behaviour Support (PBS) Plans, including:

- the content of plans;
- the preparation of plans;
- the assessment and approval of plans;
- the review and amendment of plans; and
- notifying the Senior Practitioner about the use of restrictive practices under plans.

While the Act prescribes the obligations and requirements of service providers, the *Positive Behaviour Support Plan Guideline* has been issued as a further point of reference. It presents key terms, definitions, and steps in the PBS planning process, as well as optional templates that may assist providers to write a PBS Plan.

Service provider responsibilities under the Act

To ensure restrictive practices are used in accordance with a registered PBS Plan for the person

Under the Act (Section 10), a provider must not use a restrictive practice on a person other than in accordance with a PBS Plan that has been approved by a registered PBS Panel (see Section 14) and registered by the Senior

Practitioner (see Section 15). This Guideline provides a step-by-step process for PBS Plans that include a restrictive practice.

To have a plan approved by a registered Positive Behaviour Support (PBS) Panel

This Guideline provides detailed guidance for service providers about the principles of positive behaviour support and how to write a PBS Plan.

The role of PBS Panels, the process for having Plans approved, and information on how to register a Panel are matters described in *Positive Behaviour Support Panel Guideline*, issued under Section 21(1) of the Act.

To report all uses of a restrictive practice to the Senior Practitioner

Under the Act, service providers must report all uses of a restrictive practice to the Senior Practitioner, whether there is a PBS Plan in place for the person or not. The functions and powers of the Senior Practitioner will be supported by the collection and reporting of key data on the use of restrictive practices over time.

Principles of Positive Behaviour Support

The Guideline outlines the principles of Positive Behaviour Support (PBS). PBS is the key strategy identified in the Act to guide the development of a Plan to address behaviours of concern in the least restrictive way possible.

The Guideline highlights the following key elements of PBS:

- **Person-centred:** ensuring the person's (or child's) life goals are at the centre of the process
- **a Partnership:** collaborating with the person and all key stakeholders shapes the process of change
- **Planned:** creating a clear document to ensure shared understandings and accountability
- **Positive:** focusing on preventative, rather than reactive, strategies
- **Proactive:** placing the responsibility for changing behaviour on both the person and their supporters
- **Purposeful:** using a functional behavioural assessment approach to identify the reason for the behaviour
- **Process driven:** cycling iteratively through a process of identifying, assessing, planning, implementing, monitoring and evaluating data.

The intent of this Guideline is not to prescribe the use of a particular PBS Plan template. However, this section of the Guideline outlines the key components of a PBS Plan that is consistent with the objects and requirements of the Act.

How to write a PBS Plan (Appendix A)

Appendix A is to assist providers to develop PBS plans in accordance with the *Senior Practitioner Act 2018*. It provides further detail in relation to each of the steps described, including general guidance on developing a PBS Plan (Appendix A1) and guidance on how to complete each section of an example PBS Plan template (Appendices A2-A8).

Providers may opt to use these resources to inform staff professional development or as a template for whole service provider approaches.

PBS Plan example template (Appendix B)

The intent of this Guideline is not to prescribe the use of a particular PBS Plan template. Appendix B is presented as a good example of a PBS Plan template, which providers may or may not opt to use.

PBS Panel Application (Appendix C)

Appendix C presents a copy of the form that service providers must use to apply to have a PBS Plan considered for approval by a PBS Panel.