



Restrictive Practices in NSW

An information booklet about the draft law

Easy Read version



How to use this booklet



The New South Wales (NSW) Government Department of Communities and Justice wrote this booklet.

When you see the words 'we' or 'us', it means the Department of Communities and Justice (DCJ).



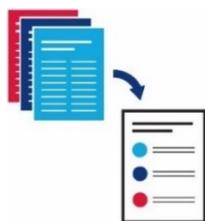
This booklet is written in an easy to read way. We use pictures to explain some ideas.

Not Bold
Bold

We have written some words in **bold**. This means the letters are thicker and darker.



We explain what these words mean. There is a list of these words on page 31.



This Easy Read booklet is a summary of another booklet. This means it only includes the most important ideas.



You can find the other booklet on [our website](#).



You can ask for help to read this booklet. A friend, family member or support person may be able to help you.

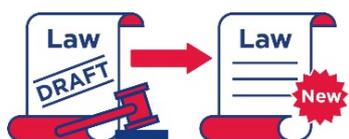
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What is this booklet about?



We have written a draft law about restrictive practices in NSW.



We write a draft law to find out what people think before we make a new law.



The draft law is called the *Persons with Disability (Regulation of Restrictive Practices) Bill 2021*.

This booklet explains:



- what the draft law is about



- how the draft law will change how we use restrictive practices



- how to tell us what you think about the draft law.

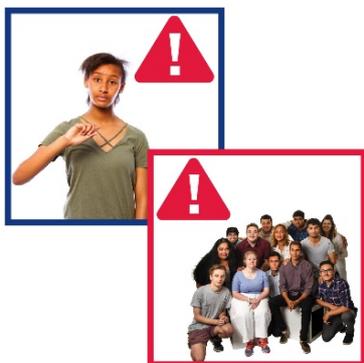


We explain what restrictive practices are on the next page.

What are restrictive practices?



Restrictive practices are actions that stop or prevent **behaviours of concern**.



Behaviours of concern are things someone does that might put:

- themselves in danger
- other people in danger.



Someone might show behaviours of concern when they are:

- upset
- in pain.

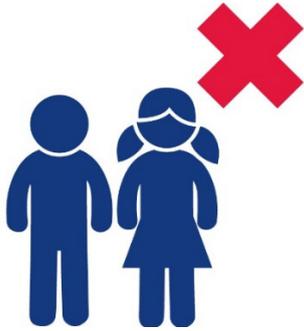


Restrictive practices include:

- **seclusion**
- using **restraints**.



Seclusion is when you put someone alone in a room or a space and stop them from leaving.



Seclusion can't be used on children.



Restraints are ways to stop someone from doing what they are doing.



A restraint might be chemical – like using medication to change someone's behaviour.



This doesn't include medication you usually get from your doctor.



A restraint might be mechanical – like using equipment to stop someone from doing something.



This doesn't include using equipment that keeps you safe.



A restraint might be physical – like holding someone's body so they can't move.



This doesn't include holding someone's hand to cross the street.



A restraint might be environmental –like stopping someone from:

- doing things inside
- going outside.

What is Restrictive Practices Authorisation?



When you **authorise** something, you allow people to do it.

We call this an authorisation.



Restrictive practices are only authorised to keep:

- you safe
- other people safe.



Restrictive Practices Authorisation

is when we allow someone to use restrictive practices.

In this report we call it an RPA.

An RPA has rules about:



- what restrictive practices can be used



- who they can be used on



- where they can be used



- how long they can be used for.

What rules do we have now?



At the moment we have a **policy** about how restrictive practices can be used in NSW.



A policy is a government plan about how to do things.



The policy has rules about:

- what restrictive practices can be used
- who they can be used on
- where they can be used
- how long they can be used for.



But these rules only apply in some **settings**.

Settings are the different places people with disability spend their time, such as:



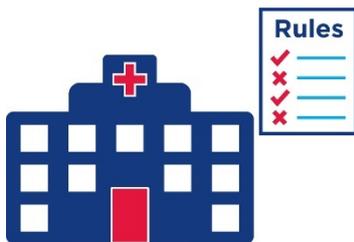
- at home
- at school
- at work
- with service providers.



The NDIS provides services and support to people with disability.



NDIS service providers need permission to use restrictive practices.



But settings such as hospitals have their own rules about restrictive practices.

Why do we want to change the rules?



We asked people in NSW what they think about our policy.



People shared good ideas with us about how RPA should work in NSW.

People told us what parts of the policy:



- work well



- need to change.



You can find out what people told us in our document called *Restrictive Practices Authorisation in NSW - Consultation Finding Report*.



You can find an Easy Read version of this document on [our website](#).

The rights of people with disability



Rights are rules about how everybody should be treated fairly.



The United Nations Convention on the Rights of Persons with Disabilities (UN Convention) is an international agreement.

It applies in many different countries around the world.

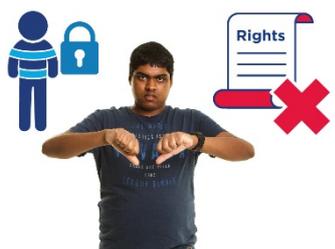


The UN Convention sets out the rights of people with disability.

It explains how people with disability should be treated fairly.



The UN Convention says people with disability have the freedom to live their life the way they want to.

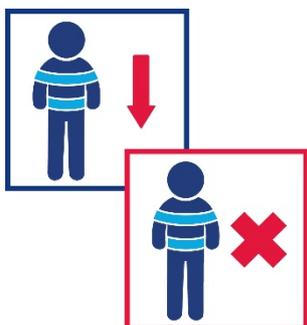


If we use restrictive practices, we might take away these rights.

Why do we need a new law?



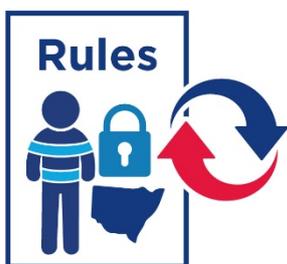
We need a new law to protect the rights of people with disability in NSW.



It will help us to:

- use restrictive practices less
- stop using restrictive practices.

We want to:



- change some of the rules about how RPA works in NSW



- make these rules into a law so people follow them.



We explain what will change on the following pages.

What will the new law change?

Principles for RPA in NSW



The new law will include a list of **principles** for RPA in NSW.



Principles are important ideas that we should always think about.

These principles say RPA should:



- focus on the person with disability



- not allow restrictive practices to be used very often or for very long



- help to use restrictive practices less or even stop using them



- be checked regularly to make sure they are working well.



The new law says that government organisations and NDIS service providers must follow these principles.



Do you agree with these principles?

Ageing and Disability Commissioner



The Ageing and Disability Commissioner protects:

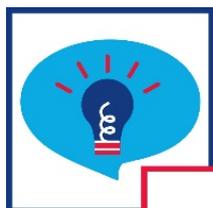
- older people
- people with disability.



In this booklet we call them the Commissioner.

The Commissioner is **independent**.

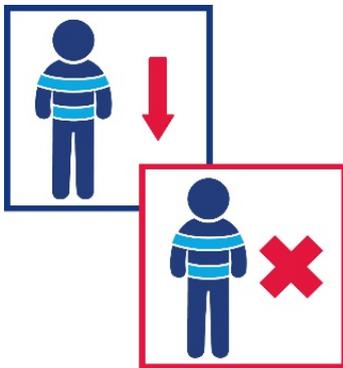
This means they:



- have their own ideas and opinions
- can make decisions without asking the government for permission
- can't be controlled by the government.



The new law will give the Commissioner some new jobs.



The Commissioner will talk to organisations about trying to:

- use restrictive practices less
- stop using restrictive practices.



The Commissioner will give organisations information and support to find better ways to:

- support people with disability
- use restrictive practices.



These organisations include:

- NSW Government organisations
- NDIS service providers.



NSW Government organisations need to tell the Commissioner how well they follow the new law each year.

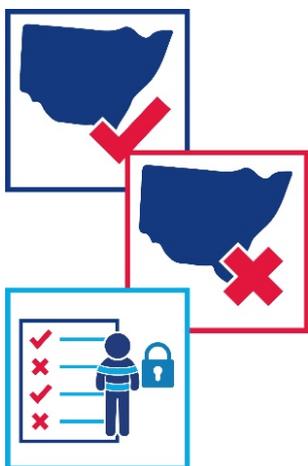


The Commissioner will write a report each year about how well organisations follow the new law.



What do you think about the Commissioner's new jobs?

Restrictive Practices Authorisation



The new law will say what restrictive practices:

- can be used in NSW
- can't be used in NSW
- need to be authorised before someone uses them.



The new law will have rules about when NDIS service providers can use restrictive practices.

These rules include:



- talking to experts about what else they can do before they use restrictive practices



- what steps they need to follow to get RPA.



The new law will have a list of restrictive practices that can't be used.



For example, seclusion can't be used on children who have an NDIS plan.



Does the new law make sure RPA thinks about the rights of people with disability?



Does the new law make sure RPA includes what NDIS service providers need to do?

Including people with disability in decisions about RPA



The new law will make sure **RPA Panels** ask people with disability if they want to take part in decisions about RPA.



An RPA Panel is a group of people who make decisions about RPA.



This could include a person with disability:



- going to a meeting about RPA



- choosing someone to help make decisions for them.

RPA Panels also need to make sure people with disability can get:



- clear information about restrictive practices and RPA



- support to communicate, such as documents in formats that are right for them



- support from an **advocate** if they need it.



An advocate is someone who:

- speaks up for people with disability
- can help you have your say
- can give you information and advice.



Does the new law make sure people with disability can take part in RPA Panel decisions?

Consent



When you give **consent**, you say it is ok to do something.



At the moment consent is **mandatory** for RPA in NSW.



When something is mandatory, it must be done:

- by everyone
- every time.



This means that every person with disability must give consent before restrictive practices can be used.

The new law says:



- consent will stay mandatory for RPA in NSW



- RPA Panels must check if an organisation has consent before they give RPA.

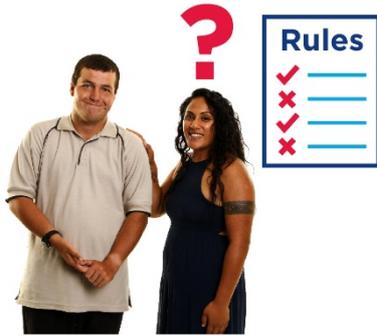
The new law also says it's important for people with disability to:



- choose to give consent
- understand they can say 'no'
- understand what they are agreeing to.



A person with disability can choose a 'trusted person' to give consent for them if they can't.



The new law has rules about who the trusted person can be.



It's important that the trusted person:

- cares about what happens
- has a close relationship with the person who needs RPA.



What do you think about the consent rules?



Do the consent rules give people with disability enough support to make decisions?

Complaints and reviews



When you make a **complaint**, you tell someone that something:

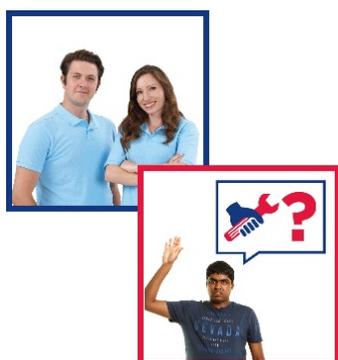
- has gone wrong
- isn't working well.



A **review** is a way to check that the right decision has been made.



The new law outlines the steps for reviewing complaints and RPA decisions.



If you have a complaint, you should:

- talk to your NDIS service provider
- ask them to fix it.



If they can't fix the problem, they need to tell you how to ask for an independent review.



If you are not happy with an RPA decision, you can ask the Ageing and Disability Commissioner (the Commissioner) to review it.



The Commissioner must write a letter to everyone involved about their decision.



If you are not happy with the Commissioner's decision, you can ask the NSW Civil Administrative Tribunal (**NCAT**) to review the decision.



NCAT is like a court where people can get help to solve concerns they have.



Do you think this is a good way to do reviews?

How to tell us what you think



We want to hear what people think about the draft law.



You can tell us what you think in different ways.

You can:



- fill out our survey on the [DCJ website](#)



- send a letter
Policy, Reform and Legislation Team
Level 3
2 Cavill Avenue
Ashfield
NSW 2131



- send an email
policy@justice.nsw.gov.au



- call us
1800 263 244



You can tell us what you think from 22 January at 9 am.



You can tell us what you think until 19 February at 11:59 pm.



It's important to tell us what you think before 19 February at 11:59 pm.

Word list



Advocate

An advocate is someone who:

- speaks up for people with disability
- can help you have your say
- can give you information and advice.



Authorise

When you authorise something, you allow people to do it.



Behaviours of concern

Behaviours of concern are things someone does that might put:

- themselves in danger
- other people in danger.



Complaint

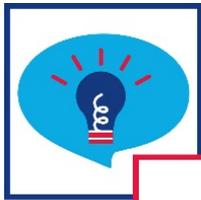
When you make a complaint, you tell someone that something:

- has gone wrong
- isn't working well.



Consent

When you give consent, you say it is ok to do something.



Independent

When someone is independent they:

- have their own ideas and opinions
- can make decisions without asking the government for permission
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Mandatory

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NCAT

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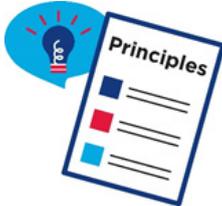
NDIS

The NDIS provides services and support to people with disability.



Policy

A policy is a government plan about how to do things.



Principles

Principles are important ideas that we should always think about.



Restraints

Restraints are ways to stop someone from doing what they are doing.



Restrictive practices

Restrictive practices are actions that stop or prevent behaviours of concern.



Restrictive Practices Authorisation

Restrictive Practices Authorisation is when we allow someone to use restrictive practices.



Review

A review is a way to check that the right decision has been made.



Rights

Rights are rules about how everybody should be treated fairly.



RPA Panel

An RPA Panel is a group of people who make decisions about RPA.



Seclusion

Seclusion is when you put someone alone in a room or a space and stop them from leaving.



Settings

Settings are the different places people with disability spend their time, such as:

- at home
- at school
- at work
- with service providers.



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