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Communities
& Justice

NSW Restrictive Practices Authorisation (RPA)

News

RPA Newsletter - January 2021

In this Issue

Welcome to the January 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. The first link relates to behaviour support and restrictive practices:

New Resource

- [Guidelines on the rights of people with disability in health and disability care during COVID-19](#)
 - [For your information NSW Health has just launched it's new accessible resources on COVID-19](#)
 - [Easy read version of What you must do under new Coronavirus rules](#)
 - [Coronavirus \(COVID-19\): Behaviour support and restrictive practices](#)
 - [Coronavirus Disease 2019 \(COVID-19\) Outbreaks in Residential Care Facilities](#)
 - [NDIS Commission coronavirus \(COVID-19\) information](#)
 - [Help us save lives](#)
 - [Staying safe from Coronavirus](#)
 - [Service Providers](#)
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NSW RPA Draft Bill Consultation

The Persons with Disability (Regulation of Restrictive Practices) Bill 2021 outlines how restrictive practices will be authorised in NSW. You can read the [draft Bill](#) in full or read the

[companion paper](#) to get an overview.

Have Your Say

Have your say on the proposed Bill and the use of restrictive practices in NSW. All feedback will help shape the final Bill, which will be tabled in NSW Parliament for discussion.

Public consultation on the draft Bill is now open. It will run from:

9.00am on 22 January to 11.59pm on 19 February.

Please read the companion paper to understand the Bill and get an overview of what the new law will do.

To provide your feedback on the draft bill, you can:

- complete the [online survey](#).
- call [1800 263 244](tel:1800263244)
- email your feedback to Policy@justice.nsw.gov.au
- post your feedback to:

Policy, Reform and Legislation Team
Level 3, 2 Cavill Ave, Ashfield NSW 2131.

All feedback must be submitted by 11.59pm on 19 February.

You can find the draft bill and the companion paper, along with translations [here](#).
You can also find the information for submitting feedback on the Have Your Say website [here](#).



NSW RPA System New Feature - Withdraw Outcome Summary

A recent update to the NSW RPA System includes a feature that allows Outcome Summaries that are no longer required to be withdrawn.

This feature allows one Outcome Summary to be withdrawn without having to withdraw the entire submission. This feature can be used in cases where, for example, an Outcome Summary has been added by mistake or in cases where Consent has been declined for a particular practice. Other Outcome Summaries for the submission will be able to be completed as usual. Practices in withdrawn Outcome Summaries are considered to be unauthorised.

To withdraw an Outcome Summary, click on the 'Withdraw' button at the bottom of the page. You will be prompted to add a reason for the withdrawal.

Please note that in cases where all Outcome Summaries for a Submission have been withdrawn, the submission will also be withdrawn.

Should you have any issues in utilising the RPA System, please contact the NSW Central Restrictive Practices Team at restrictivepracticesauthorisation@fac.s.nsw.gov.au.



NSW RPA System How To: Update your organisation details

The NSW RPA System allows users with 'Service Provider Admin' accounts to update details of their organisation such as address, phone number and NDIS Q&S Commission Registration.

To update your organisation details:

1. Click on the 'Service Provider' tab on the Menu bar.
2. This will show a list of all branches for your organisation. Click on the hyperlink for any branch.
3. The 'Details' section shows the main details for your organisation. If required, you can update these on this screen. Click 'Save' after making any changes.
4. The 'NDIS Q&S Commission Registration' on this screen are for the organisation's Head Office.
5. Scroll down to the 'Branch List'. Click on the hyperlink for the branch you wish to update.

6. This screen will allow to update the address, phone number and NDIS Q&S Commission Registration for the branch you have selected.
7. Click 'Save' after making any changes.

"Not Approved" Outcome Decisions: Panel member approval



In the NSW RPA System, panel members must accept or reject all Outcome decisions made by the RPA Panels they have participated on. This includes for Outcomes where the decision is "Not Approved". If the panel has decided not to approve a practice, the panel convenor records this decision in the Outcome Summary in the NSW RPA System, and the panel member must accept this in the NSW RPA System - if they agree this was the decision made by the panel. In the case where the decision has been recorded as "Not Approved", the panel member accepting the decision indicates that they agree this was the decision made by the panel. The panel member would only reject the decision if they believe a different decision was made by the panel (ie. decision to Approve the practice or Approve - with Conditions).

Panel members should ensure they approve (by accepting or rejecting) all Outcomes for all RPA Panels they participate on. For step-by-step instructions on approving Outcomes, please see the NSW RPA System User Guide - Part 4 [here](#).



Case Study - Timeframes for authorisation and consent

Jeremiah is a 47 year old male who lives in a group home and accesses supported employment services one day a week; both services are funded by the NDIS. Jeremiah has an appointed private guardian to consent for restrictive practices.

On 2 July 2020 Jeremiah's behaviour support practitioner developed a new behaviour support plan which contains two restrictive practices, one for environmental restraint (locked cupboard doors) and one for chemical restraint (PRN). His accommodation provider implements both environmental and chemical restraints, whilst his employer only implements chemical restraint.

Since the behaviour support plan has two implementing providers, it has to be approved by an appropriately constituted RPA panel by Jeremiah's accommodation service provider as well as his employment service provider.

On 3 September 2020 Jeremiah's accommodation service provider had an RPA Panel where both chemical and environmental restraint was approved, following which consent was obtained and the submission completed by 4 September 2020. The maximum allowable time was provided for the Panel's approval which means that the practice remains authorised until 1 July 2021 (i.e. up to 12 months from the date the behaviour support plan was written).

On 9 October 2020 Jeremiah's employment service provider had an RPA Panel which approved the use of chemical restraint for the maximum allowable time (i.e. 1 July 2021, being 12 months from the date of the Plan). However Jeremiah's guardian did not provide consent for this practice until 19 January 2021.

RPA Submissions in NSW are not complete until valid consent to implement has been provided by the appropriate consent provider, and evidence of consent has been uploaded to the outcome summary. Therefore until such time as consent has been provided the practice remains unauthorised. In Jeremiah's situation although his employment service provider approved the practice on 9 October 2020, consent was not received and the

outcome summary not finalised until 19 January 2021. As such the practice remained unauthorised until 19 January 2021 and any use of the practice until this date would have to be reported to the NDIS Quality and Safeguards Commission by his employment service provider as a reportable incident.

SPOTLIGHT

Jason Tavares

Project Officer

DCJ Central Restrictive Practices Team

How did you get to where you are today?

I've been very lucky in that my work history is pretty diverse through the various opportunities that have come my way. I started at a large residential (Metro Residences) as a new graduate and from there worked across a variety of service settings including with the former Integrated Services Program (ISP), Community Justice Program (CJP) and the Regional Behaviour Intervention Team (RBIT). Through these roles I developed a passion for working with people with mental health issues, brain injuries and substance use. Seeking a new challenge I set my sights on doing more project management roles which saw me working through change management, project management and organisational development work both in Australia and overseas. Ultimately it dawned on me that my real passion and skill set lies with improving the service quality for the aforementioned population hence how I, in many ways, landed in this job.

In your role you see a lot of submissions and outcome summaries, what advice would you give to panel members?

In no particular order:

- Ask for numerical data as evidence to support any claim for the need of a restrictive practice
- Ensure fade-out strategies promote skills building opportunities which align to the hypothesised function of behaviour
- Consent to take a behaviour support plan to a panel is not the same as consent to implement the Plan
- Ensure that all your submissions have been 'released' prior to going to Panel

What do you like about working in the Central Restrictive Practices Team?

It was a bit of a no-brainer when the opportunity came up as the work done by the Central Restrictive Practices Team allows me to use the skills and abilities I've developed over my career.



Test your knowledge!

Question 1: How do I obtain the NDIS Behaviour Support Plan ID?

Question 2: If I use the new 'Withdraw Outcome' feature to withdraw all Outcomes connected to a Submission, what will happen to the Submission?

Question 3: If a participant is no longer supported by my organisation, how do I cease the restrictive practice?



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: The NDIS Behaviour Support Plan ID is available in the NDIS Quality and Safeguards Commission Portal once the Behaviour Support Plan has been uploaded to the Portal. The Behaviour Support Plan can be uploaded to the Portal in draft status where needed.

Q2: If all Outcomes connected with a Submission are withdrawn, the Submission will also be withdrawn.

Q3: You must hold a review when you need to cease a restrictive practice, including when the reason for ceasing the practice is due to the participant no longer being supported by the organisation. The only exception would be if the authorisation for the practice has already expired.

Our mailing address is:
RestrictivePracticesAuthorisation@fac.s.nsw.gov.au

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