# Written notices for usage of restrictive practices

## Legal requirements

Under the *Disability Inclusion Act 2018 (*as amended by the *Disability Inclusion (Restrictive Practices – NDIS) Amendment Act 2021)*, implementing providers who have authorisation to implement a restrictive practice for a participant are required to provide a written notice advising the participant and their legal guardian / substitute decision maker of the use of the restrictive practice.[[1]](#footnote-1)

The written notice must include[[2]](#footnote-2):

* The name of the participant
* The name of the implementing provider
* The time and date (or period of time) the restrictive practice was used
* The nature of the restrictive practice
* Why the restrictive practice was used?
* Information about how to appeal a reviewable decision about restrictive practices.

Providing these notices helps to increase accountability, transparency and visibility when using restrictive practices for people with disability.

The provision of the written notice is legal requirement. Where a person with disability and their legal guardian makes an informed decision not to receive the notice, this should be:

* Documented (preferably in writing and signed by the person with disability and their legal guardian) and kept with the person’s formal records
* Reviewed annually
* Alternatives should be discussed (for example, would the person prefer to discuss the usage of restrictive practices rather than being provided with the notice).

The written notice can be provided at the time of use; this might happen if a restrictive practice is used infrequently. Where the use of restrictive practices is routine (for example, a locked drawer) or is more frequent, reports about usage can be consolidated for a reporting period of up to 3 months.

## Practice considerations

It is important to make sure the information in the written notice is available in an accessible way. This may mean assisting the person with disability to access support to read the notice, having a discussion about the notice, and explaining what the information means.

Written notices can be used to review the pattern of restrictive practices usage in the preceding period, and inform behaviour support strategies. Discussions may include:

* What kind of restrictive practices were used and in what circumstances?
* Has the frequency of usage increased or decreased?
* What may have affected the use of restrictive practices during this period?
* What additional supports may be needed if usage of restrictive practices is increasing?
* How can restrictive practices be safely reduced if there are indicators of positive behaviour change?

## Using RPS to generate reports

NDIS implementing providers are not required to use the Restrictive Practices System to record their use of restrictive practices. Some providers may prefer to use their own internal system or generate a spreadsheet from the NDIS portal PRODA.

If restrictive practices usage is recorded in RPS, NDIS implementing providers can use RPS to generate a table of [restrictive practice usage](https://www.sa.gov.au/topics/care-and-support/disability/restrictive-practices/resources/providers-and-apos) for an NDIS participant[[3]](#footnote-3). This table includes the key information required in a written notice.

The Restrictive Practices Unit has created a template for the written notice for implementing providers to use if they wish to. This is designed to be a cover letter for the usage report and can be modified as required.

1. S23N (8) and s 23O (8) – Disability Inclusion Act 2018 [↑](#footnote-ref-1)
2. Regulation 12 and 13 - Disability Inclusion (Restrictive Practices – NDIS) Regulations 2021 [↑](#footnote-ref-2)
3. Restrictive Practice Usage page: <https://www.sa.gov.au/topics/care-and-support/disability/restrictive-practices/resources/providers-and-apos> [↑](#footnote-ref-3)