



Disability Community of Practice



Government of South Australia
Department for Child Protection



Acknowledgement of Country

We would like to acknowledge this land that we meet on today is the traditional lands of the Kurna people and that we respect their spiritual relationship with their country.

We also acknowledge the Kurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.



Housekeeping

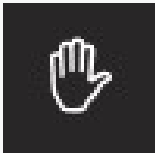


If you choose to leave your video camera on, please be aware that all participants and presenters may see your image.

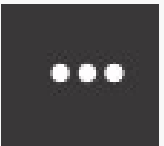


Please keep your microphone muted during the event to minimise background noise.

Asking questions – I have a working microphone



- Use the hand raising feature on teams (click the 3 dot button if you cannot see the hand button)
- Alternatively - use the chat feature to advise admin that you wish to ask a question.
- When called you will need to unmute your microphone before asking your question



Asking questions – I do not have a working microphone



- Please type your entire question into the chat feature.
- The administrator or presenter will read your question out on your behalf.

Disability Community of Practice

“A group of people who share a concern or a passion for something they do and learn how to do it better as they interact regularly.”

-E Wenger, “Communities of practice: A brief introduction”



Disability Community of Practice

Overview:



DCP and disability and developmental delay



What we know about children and young people in care with NDIS plans



DCP Disability Access and Inclusion Plan 2020-2024



Guest speakers: NDIS Quality and Safeguards Commission



Disability Community of Practice

Safe and well – whole of government child protection strategy



Supporting

Supporting families to keep their children safe

Protecting

Protecting children from harm including when they come into care

Investing

Investing in children in care and their transition from care to help them reach their potential



Disability Community of Practice

DCP and disability and developmental delay

Presented by: Karen McAuley, Director Commissioning, Performance and Disability



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Department for Child Protection

Disability and developmental delay

Specialist consultants in regional teams



Carer support for developmental and behavioural needs



Specialist services residential care



Transition from care NDIS pathways



Awareness raising



Lead national negotiations



NDIS market for children in care



Specialist placements



Disability and Development Services

Regional Disability Team

Specialist
consultants in
regional teams



- Staff located in regional teams provide consultancy to support case workers in:
 - the identification of children and young people with disability and developmental delay
 - Navigating access to and utilising NDIS supports.



Disability and Development Services Carer Support Program

Carer support for
developmental
and behavioural
needs



- Provides short-term in-home support to family based carers to help promote developmental understanding, strengthen relationships and build capacity for continued care.
- **Prioritise:** Aboriginal children and young people.
 - **Build connections:** Work in a supportive partnership with carers, case workers and kinship care workers to achieve a developmentally informed responses to children.
 - **Support understanding:** Develop an in-depth understanding of the child's development delays, needs and behaviours within the context of the child's early life experiences and impacts.
 - **Promote development:** Support families to respond to behaviours and needs in the context of the child's development (e.g. cognitive, adaptive, sensory, regulation social, emotional).



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Disability and Development Services Specialist Services Team

Specialist services
residential care



- Providing support to residential care placements regarding the developmental and behaviour support needs of children and young people
- Supporting residential carers to understand individual needs, build relationships, provide strategies to reduce likelihood of behavioural escalations
- Support to adapt environments to meet individual needs
- Assisting decision making regarding placement



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Disability and Development Services

Transition from care NDIS pathways

Transition from
care NDIS
pathways



- Embedded disability specific elements to transition from care planning
- Young people with NDIS plans are centrally tracked and monitored from 16.5 years to ensure all appropriate supports are in place at 18 years
- Work collaboratively with the NDIA to monitor the cohort of 16.5+ year olds to ensure DCP and NDIS planning is coordinated



Awareness raising

- DCP staff
- Carers
- Practice guidance for case workers
- NGOs and ACCOs
- DCP Community of Practice

Awareness raising



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NDIS Market

NDIS market for
children in care



- Support the development of trauma knowledge within the disability sector
- Support the development of disability and developmental delay knowledge within the child protection sector



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Placements for children and young people

Specialist
placements



- Require Residential Care: Disability providers to be NDIS Registered Providers to align practice standards with the NDIS Quality and Safeguards Framework
- Established Pre-Qualified List of Residential Care: Disability providers
- Embedded consideration of disability and developmental delay within the design of new service models
 - e.g. DCP funded Supported Independent Living and Placement and Support Packages





Questions



Children and young people in care with NDIS plans

Presented by: Julie Jensen, Manager, Disability and Development Services



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Children and young people in care with disability and development delay



It is estimated that 25% to 30% of children and young people in care have a disability or significant developmental delay – many eligible for the NDIS



Over a third of the children and young people with disability or developmental delay in care are Aboriginal



Every child or young person with disability has different therapeutic, developmental and environmental needs



Children and young people require quality supports that are disability, developmentally and trauma informed

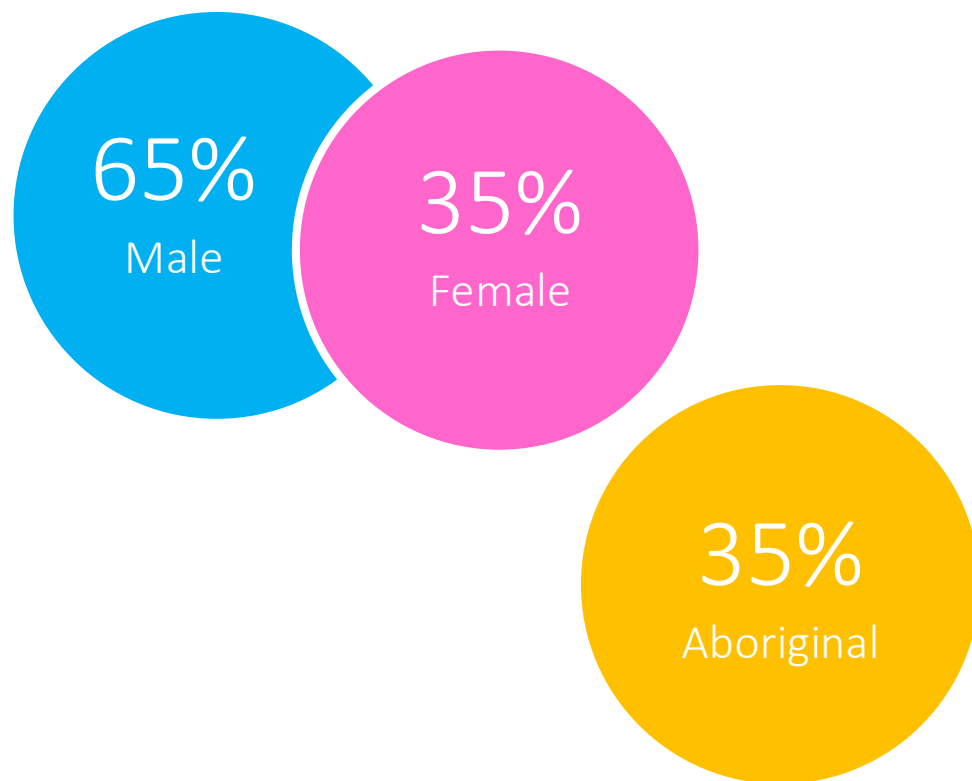
Children and young people with NDIS plans



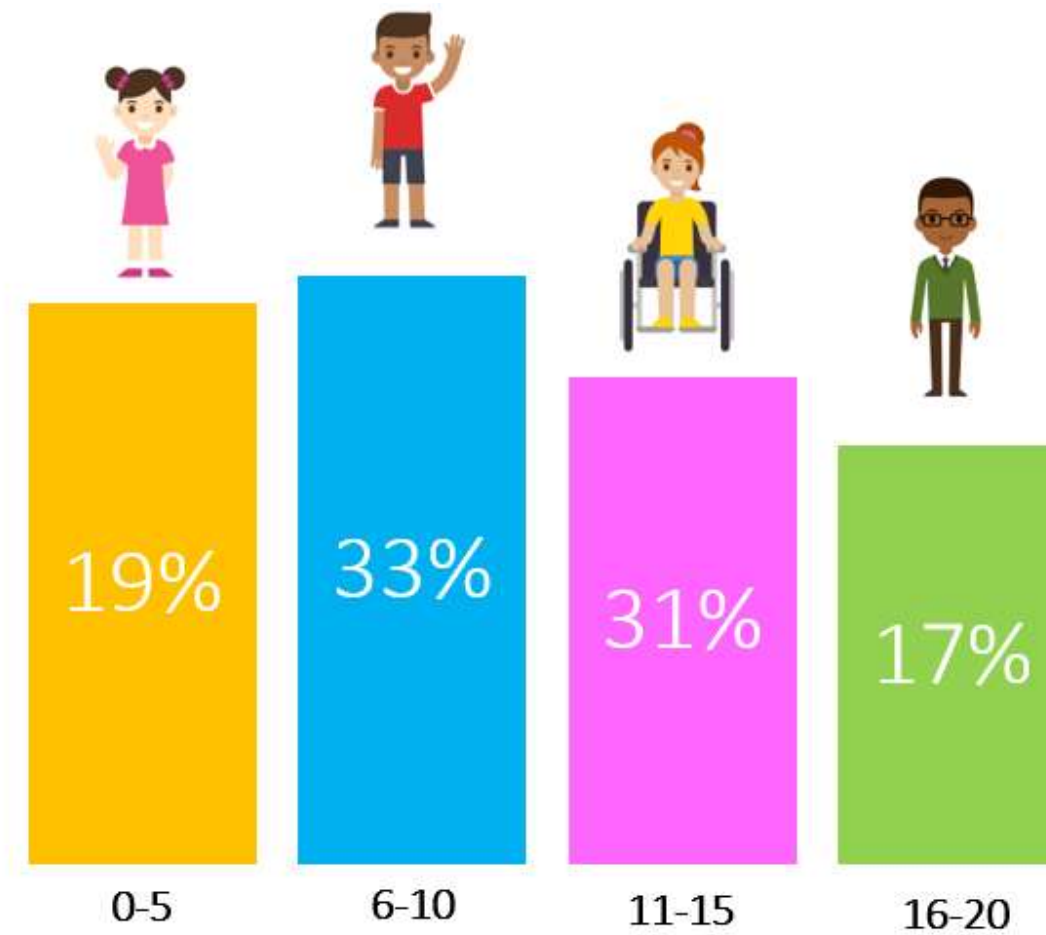
- As at 30 November 2020, there are approximately 950 children and young people in DCP care with a NDIS plan
- With a further group moving through the NDIS access and planning process



Demographics of children and young people with NDIS plans



Age of children and young people with NDIS plans



NDIS pathways

26% Early
Childhood Early
Intervention



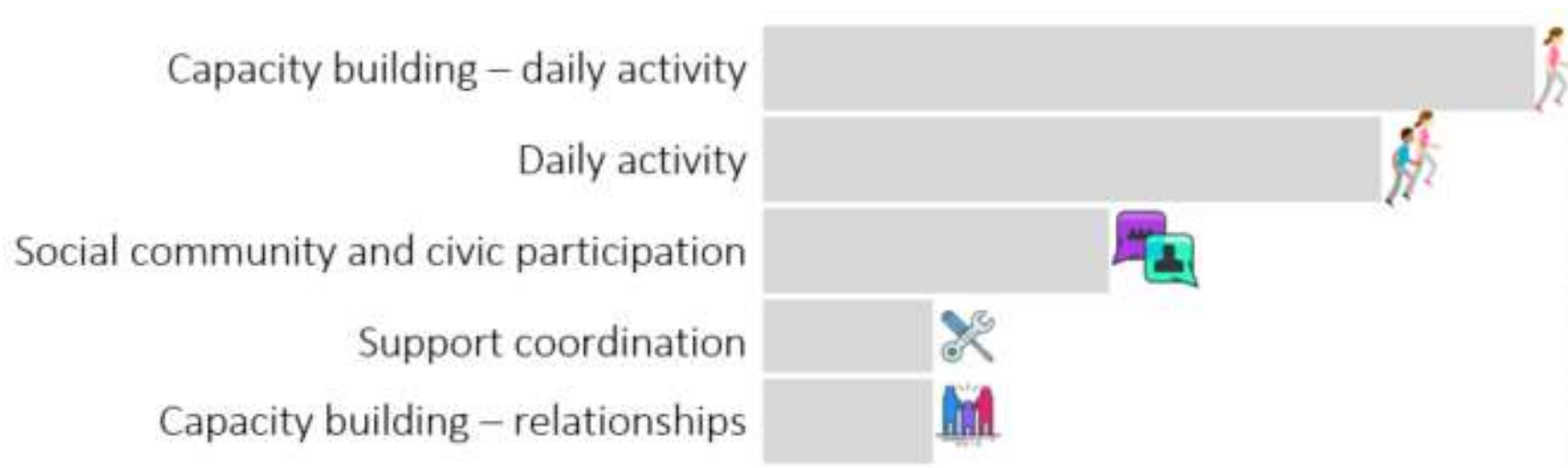
74% disability

Most common primary disability diagnosis

- Autism
- Intellectual disability
- Global development delay



Key services in children and young people's NDIS plans



NDIS Support Providers for children and young people in care

- To be a NDIS provider for a child or young person in care
 - You must be a registered NDIS provider
 - Have a valid Working with Children Check from the Department of Human Services Screening Unit
 - Acknowledge the DCP case Manager as the delegated decision maker for all NDIS matters, including plan adequacy and any subsequent NDIS plan reviews or appeals
 - Ensure NDIS Service Agreements are in place
 - Provide regular updates on progress and outcomes achieved with children and young people within your services





Questions





NDIS Quality
and Safeguards
Commission

NDIS Quality and Safeguards Commission

Department of Child Protection – Community of Practice Thursday 4 February 2021

Clarissa Bourne, Director, Behaviour Support

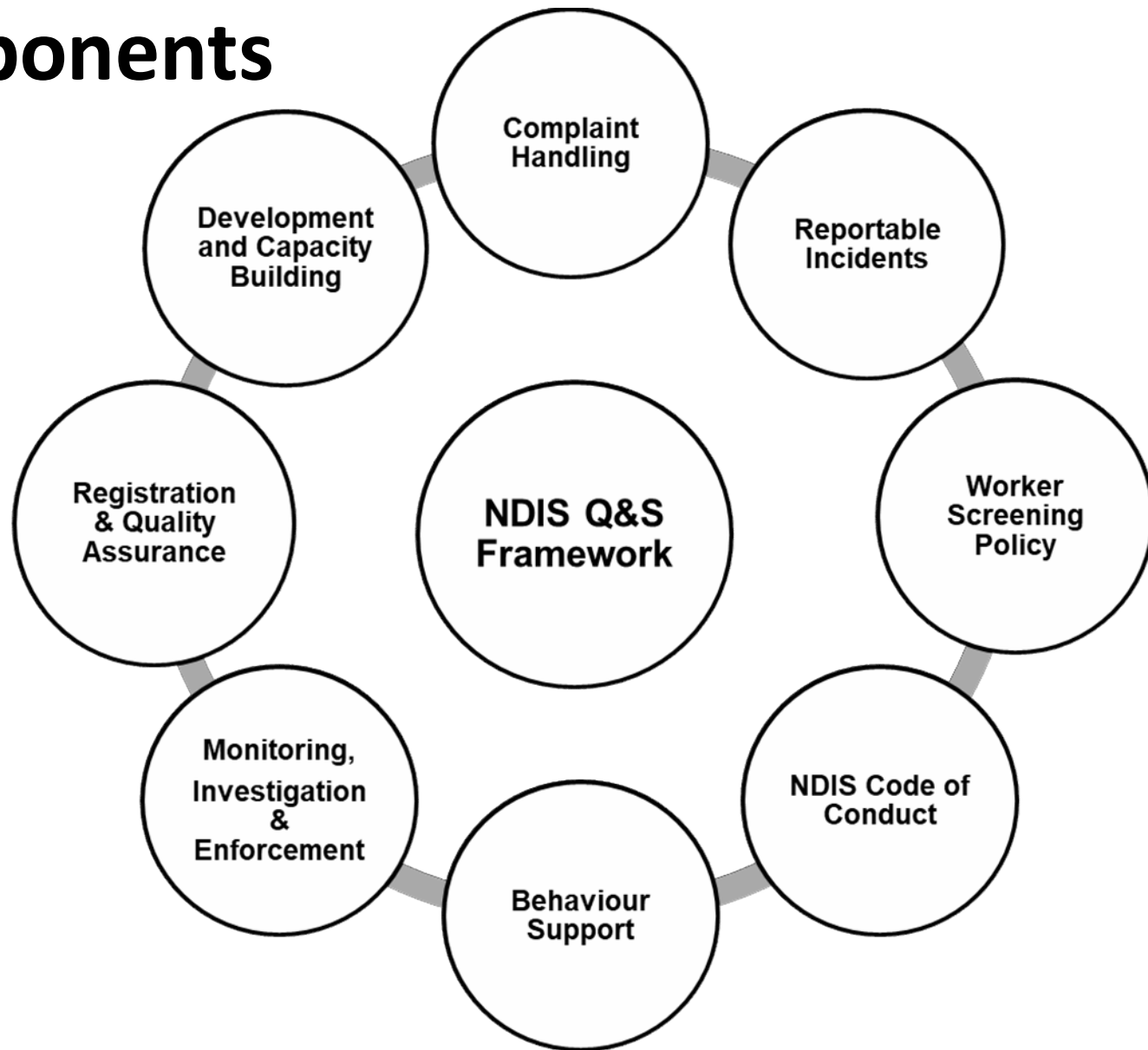
About the NDIS Commission



- Improve quality and safety of NDIS supports and services
- Take over the registration of providers from the NDIA
- Provide national consistency
- Help providers to meet their obligations
- Resolve problems and identify areas for improvement
- Support continuous improvement and quality in the NDIS
- Monitor the use of restrictive practices with the aim of reducing and eliminating such practices



Key components



NDIS Code of Conduct



Helps shape behaviour and culture of providers and workers

Applies to all providers (registered/unregistered) and workers

Anyone can complain to the NDIS Commission about a breach



The **NDIS Commission monitors compliance** and can take a range of actions in response to breaches.

Complaints



NDIS participants have the right to complain about the safety and quality of NDIS supports and services

Every NDIS provider must have effective complaints management and resolution arrangements



The NDIS Commission will be responsible for handling complaints about NDIS providers

- All complaints will be taken seriously and assessed
- Some complaints will be appropriate for a facilitated resolution process
- Some complaints will require investigation

Complaints and feedback are an opportunity for providers to improve service delivery.

Reportable Incidents –NDIS funded supports and services



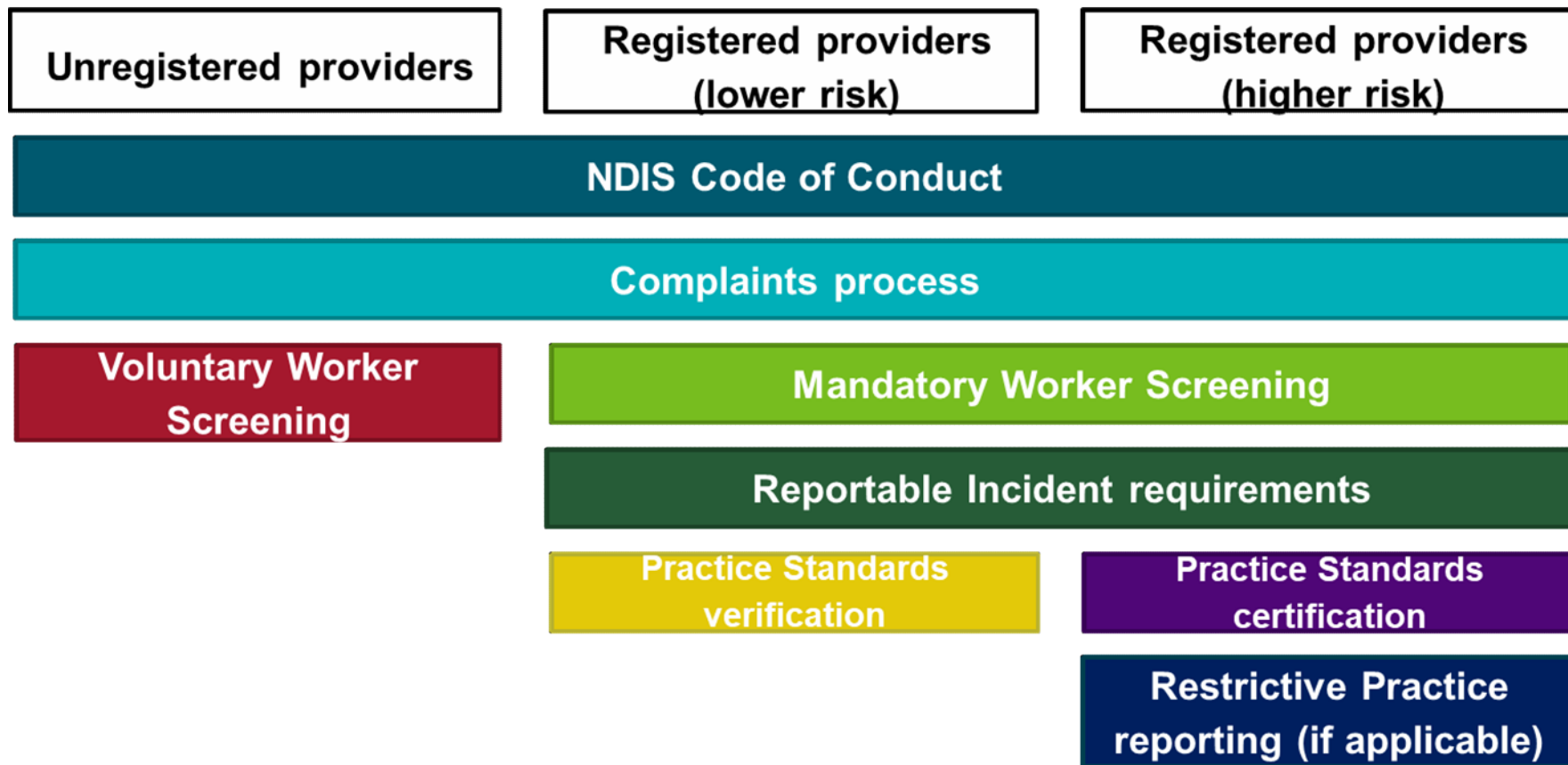
Providers must notify, investigate and respond to reportable incidents involving NDIS participants including:

- Death
- Serious injury
- Abuse and neglect
- Unlawful sexual or physical contact
- Sexual misconduct including grooming for sexual activity
- Unauthorised use of restrictive practices.

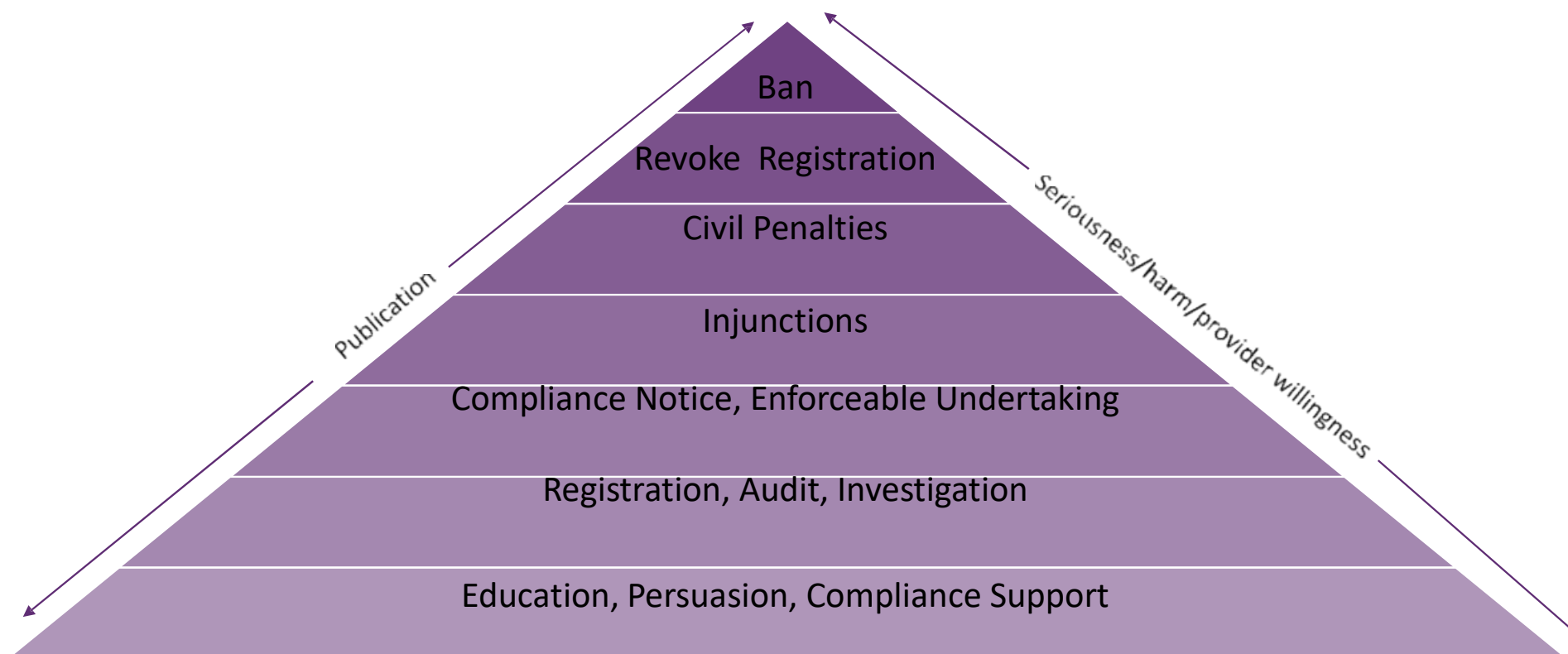


Reporting the incident to the NDIS Commission does not replace notifying any appropriate authorities, such as the police.

Obligations on providers –NDIS funded supports and services



Investigative Powers and Enforcement Action



Behaviour Support – Our Role



-
- Safeguarding the dignity of the person and improving their quality of life
 - Contemporary evidence-based practice, focussed on positive behaviour support
 - Constructively reducing behaviours that may lead to harm of self or others
 - Work towards the reduction and elimination of restrictive practices
 - Consider behaviour support practitioners suitable to deliver specialist behaviour support

Online Videos – NDIS Commission website



<https://www.ndiscommission.gov.au/providers/provider-responsibilities/behaviour-support>

1. **For Practitioners: Behaviour Support in the NDIS Commission**
2. **For Providers: Behaviour Support in the NDIS Commission**

Regulated Restrictive Practices



Restrictive practice: Any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with disability (*NDIS Act 2013 s9*)

Regulated restrictive practices [*NDIS (Restrictive Practices and Behaviour Support) Rules 2018*]:

- Seclusion
- Chemical restraint
- Mechanical restraint
- Physical restraint
- Environmental restraint



6 Rules apply only to specified kinds of restrictive practices

A restrictive practice is a *regulated restrictive practice* if it is or involves any of the following:

- (a) seclusion, which is the sole confinement of a person with disability in a room or a physical space at any hour of the day or night where voluntary exit is prevented, or not facilitated, or it is implied that voluntary exit is not permitted;
- (b) chemical restraint, which is the use of medication or chemical substance for the primary purpose of influencing a person's behaviour. It does not include the use of medication prescribed by a medical practitioner for the treatment of, or to enable treatment of, a diagnosed mental disorder, a physical illness or a physical condition;
- (c) mechanical restraint, which is the use of a device to prevent, restrict, or subdue a person's movement for the primary purpose of influencing a person's behaviour but does not include the use of devices for therapeutic or non-behavioural purposes;
- (d) physical restraint, which is the use or action of physical force to prevent, restrict or subdue movement of a person's body, or part of their body, for the primary purpose of influencing their behaviour. Physical restraint does not include the use of a hands-on technique in a reflexive way to guide or redirect a person away from potential harm/injury, consistent with what could reasonably be considered the exercise of care towards a person.
- (e) environmental restraint, which restrict a person's free access to all parts of their environment, including items or activities.

Note: For the definition of *restrictive practice*, see section 9 of the Act. Only regulated restrictive practices are covered by this instrument.



NDIS Quality
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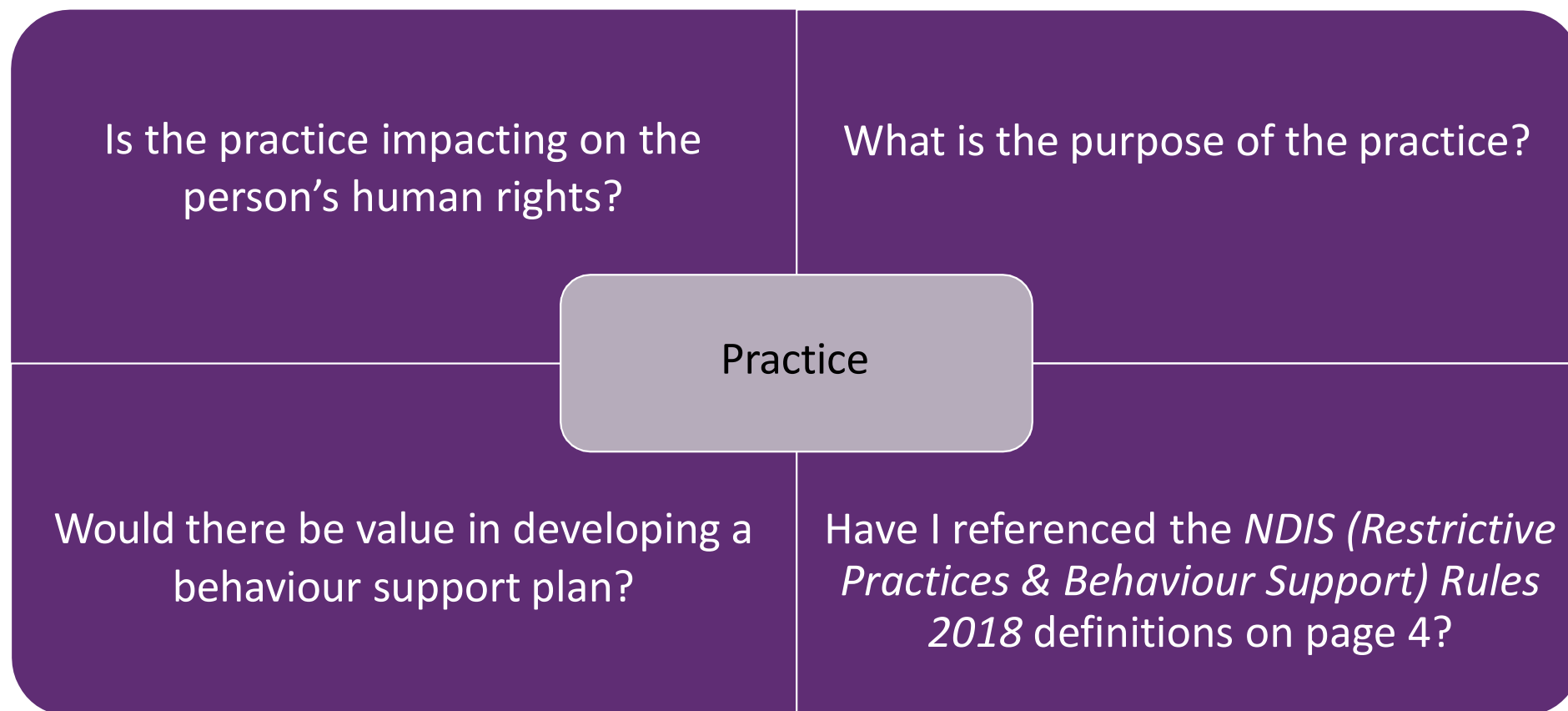


Regulated Restrictive Practices



Regulated Restrictive Practice	Practice Examples
Seclusion	<ul style="list-style-type: none">Ella is re-directed to her bedroom to play her favourite music following an incident of physical aggression. Ella cannot leave her room without staff support
Chemical Restraint	<ul style="list-style-type: none">Jacob is given PRN medication when he is agitated as prescribed by his GP.Kai is given routine medication to minimise his emotional outbursts which have led to him being suspended at work
Mechanical Restraint	<ul style="list-style-type: none">Bianca is ambulant, however, support staff use a wheelchair when in the community to prevent wandering behaviourSupport staff apply soft gloves on Pamela when she self harms
Physical Restraint	<ul style="list-style-type: none">Rhett is escorted by 2 staff members from the park to the vehicle following an incident involving community membersSupport staff hold down Jamal's hand and arm while he has blood taken by the nurse
Environmental Restraint	<ul style="list-style-type: none">The kitchen is locked at a day options provider as Roger lives with Prader-Willi syndrome, and has taken other attendee's meals from the fridge & pantryOn arrival at work Yvette chooses to give staff her mobile phone to secure it, however, when Yvette asks for it on her lunch break, staff say she can have it when she goes home

Is it a regulated restrictive practice or not?



Regulated Restrictive Practices



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Regulated restrictive practices can only be used in the context of:

- Reducing the risk of harm to self or others
- Clearly being identified in a Behaviour Support Plan
- Authorisation (however described) by the State/Territory where required
- Only being used as a last resort
- Being the least restrictive response available
- Being proportionate to the potential harm to self or others
- Being used for the shortest possible time
- The NDIS participant being given opportunities to develop new skills that have the potential to avoid the need for a restrictive practice.

Prohibited Practices –Physical Restraint (as per the Regulated Restrictive Practices Guide and DRC agreed



draft national principles of authorisation)

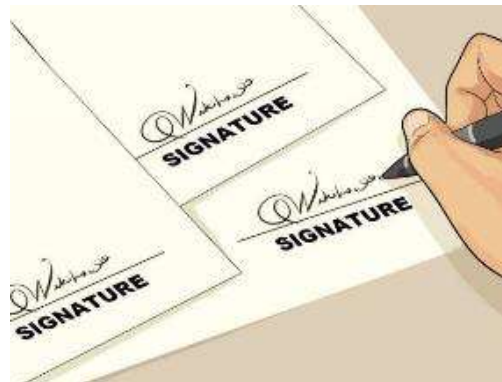
- prone restraint (subduing a person by forcing them into a face-down position)
- supine restraint (subduing a person by forcing them into a face-up position)
- pin downs (subduing a person by holding down their limbs or any part of the body, such as their arms or legs)
- basket holds (subduing a person by wrapping your arm/s around their upper and or lower body)
- takedown techniques (subduing a person by forcing them to free-fall to the floor or by forcing them to fall to the floor with support)
- any physical restraint that has the purpose or effect of restraining or inhibiting a person's respiratory or digestive functioning
- any physical restraint that pushes a person's head forward onto their chest
- any physical restraint that compels a person's compliance by inflicting pain, hyperextending joints, or applying pressure to the chest or joints

Consent & Authorisation of Restrictive Practices



Authorisation must be obtained using **existing state process and procedure.**

The implementing provider must lodge evidence of authorisation with the NDIS Commission.



What is an implementing provider?



An implementing provider is any NDIS provider that uses a regulated restrictive practice when delivering NDIS funded supports or services to an NDIS participant. For example, NDIS funded support workers restricting a participant's free access to the community due to behaviours of concern are implementing a regulated restrictive practice.

Implementing Provider Requirements



Providers delivering NDIS funded supports and services must

- Keep records on the use of restrictive practices
- Report monthly to the NDIS Commission on the use of regulated restrictive practices
- Obtain authorisation using existing state or territory legislation
- Comply with reportable incident requirements if using unauthorised restrictive practices
- Engage an NDIS behaviour support practitioner to develop behaviour support plans
- Work with an NDIS Behaviour Support practitioner to implement positive behaviour support strategies and monitor outcomes for the person with disability
- Support staff to receive appropriate training

Developing a Behaviour Support Plan



For plans written after 1 July 2018 that include regulated restrictive practices, the NDIS behaviour support practitioner must develop:

→ An interim Behaviour Support Plan within 1 month

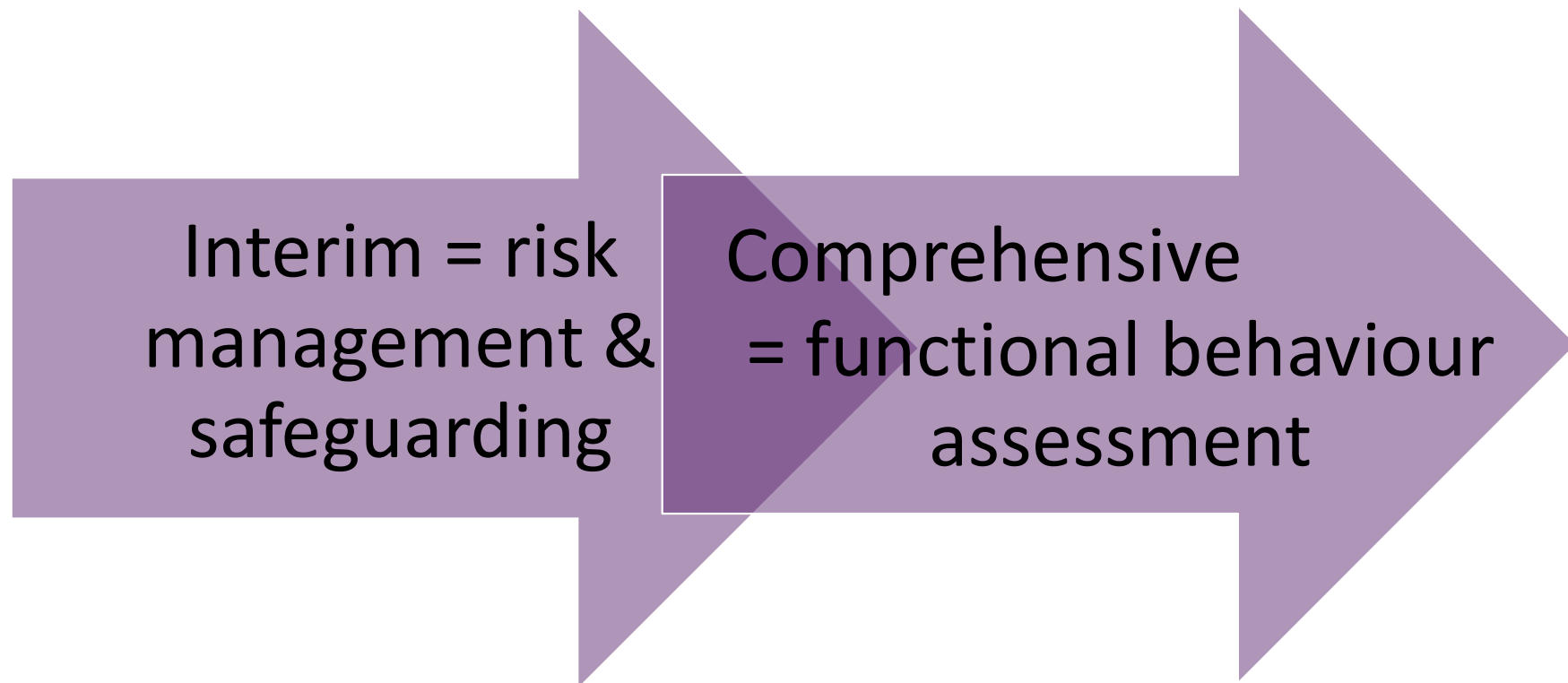
→ A comprehensive Behaviour Support Plan within 6 months, including functional behaviour assessment



• Authorisation must be obtained using existing state or territory legislation

• Interim and comprehensive behaviour support plans must be lodged **online** with the NDIS Commission

Key Considerations when developing a behaviour support plan



Key Considerations when developing a behaviour support plan



- Plans must be developed in partnership with all key stakeholders, including implementing providers
- Consultation about the use of a regulated restrictive practice must occur with the participant, family, carers, guardian or other relevant person in a format that works best for them (Statement of Intent – section 20 of the *NDIS (Restrictive Practices and Behaviour Support) Rules 2018*)
- One person = one behaviour support plan
- Plan needs to clearly outline when, where, how, why regarding the use of the restrictive practice/s
- Effective implementation of the behaviour support plan is critical and should begin once everyone has agreed to the behaviour support plan.

Resources



[NDIS Commission Resources:](#)

- [Compendium of Resources for Positive Behaviour Support](#)
- [Regulated Restrictive Practices Guide](#)

[Behaviour Intervention Plan Quality Evaluation Scoring Guide II](#)

[Behaviour support and the use of Medication - A guide for practitioners](#)

[NSW Restrictive Practices Authorisation Resources](#)

[Vic Department of Human Services - Rights and inclusion section](#) [Vic](#)

[Department of Human Services - Office of professional practice](#)

[Scope - Resources to download](#)

Website links



-
- [NDIS Providers: Behaviour Support](#)
 - NDIS Quality & Safeguards Commission - Regulated Restrictive Practices Guide <https://www.ndiscommission.gov.au/document/2386>
 - [Implementing providers: Facilitating the development of behaviour support plans that include regulated restrictive practices](#)
 - [NDIS Commission Portal User Guide for Monthly Reporting of Restrictive Practices](#)
 - [Incident management and reportable incidents](#)

DCP and NDIS Commission - Shared Participants –Scenario One



Jacob is a young person who is under the Guardianship of the Chief Executive, residing in a Department for Child Protection (DCP) funded non-government organisation residential care arrangement, Sunshine Services. Jacob is also a NDIS participant with a NDIS Plan, which includes funding for specialist behaviour support. His NDIS Plan Nominee (the DCP case worker) has engaged a NDIS specialist behaviour support provider to develop a behaviour support plan, as Jacob at times displays behaviours of concern at school & his residential care placement.

As the behaviour support plan has been funded through the NDIS, and there are identified regulated restrictive practices in use with Jacob, including environmental restraint & chemical restraint, there is a requirement for the NDIS specialist behaviour support provider to lodge the NDIS behaviour support plan with the NDIS Quality and Safeguards Commission and comply with the requirements of the NDIS (Behaviour Support & Restrictive Practices) Rules 2018.

There are no reporting obligations for Sunshine Services to the NDIS Commission in relation Jacob, as the only services they deliver to Jacob are funded through the Department for Child Protection. However, Sunshine Services must comply with DCP mandatory reporting requirements as outlined within their DCP service agreement.

DCP & NDIS Commission –Shared Participants –Scenario Two



Raj is a young person who is under the Guardianship of the Chief Executive, residing in a Department for Child Protection (DCP) funded non-government organisation residential care arrangement, ABC Services. ABC Services are also a NDIS registered provider. Jacob is a NDIS participant with a NDIS Plan, which includes funding to enable Jacob to build his independent living skills, which is a goal of Raj & his supporters.

ABC Services have been engaged to deliver this service to Raj by the DCP case manager acting as the delegated parental decision maker, under his NDIS Plan. While ABC Services are delivering the NDIS funded services to a NDIS participant (ie supporting Jacob to build his independent living skills), they are required to meet their obligations as a NDIS registered provider, which includes reporting obligations.

However, when Raj is being supported by ABC Services through his DCP funded placement, ABC Services must comply with DCP mandatory reporting requirements as outlined within their DCP service agreement.

DCP & NDIS Commission –Shared Participants –Scenario Three



NDIS Quality
and Safeguards
Commission

Bianca resides within a family-based placement, with specialist carers whom are provided carer payments through the Department for Child Protection.

Bianca also has a NDIS Plan, which her DCP case manager, in consultation with her carer, assists to implement, including the engagement of short term accommodation with a NDIS registered provider, Seaside Pty Ltd. Bianca is scheduled to attend 3 nights of short term accommodation with Seaside Pty Ltd. On arrival to Seaside Pty Ltd, the family are told there's been a double booking and they're now unable to accommodate Bianca. This is the second time this has occurred. Bianca's family carer wishes to make a complaint about this service. The family discuss this with the DCP case manager, who then facilitates raising their concerns directly with Seaside Pty Ltd or contacting the NDIS Commission's Complaints Team via 1800 035 544.

When Bianca does stay at Seaside Pty Ltd, she is subject to regulated restrictive practices. As the NDIS is funding the short term accommodation, Seaside Pty Ltd ,must report the use of these restrictive practices as per their obligations under the NDIS (Reportable Incidents and Incident Management) Rules 2018.

Questions?



NDIS Quality
and Safeguards
Commission



Thank you & Contact us



NDIS Quality and Safeguards Commission

Ph: 1800 035 544

Email: sabehavioursupport@ndiscommission.gov.au
sareportableincidents@ndiscommission.gov.au
sacomplaints@ndiscommission.gov.au

Web: <https://www.ndiscommission.gov.au/>

DCP Disability Access and Inclusion Plan 2020-2024

Presented by: Cassie Bouyer, Manager, Disability Reform



Government of South Australia
Department for Child Protection

South Australia *Disability Inclusion Act 2018*



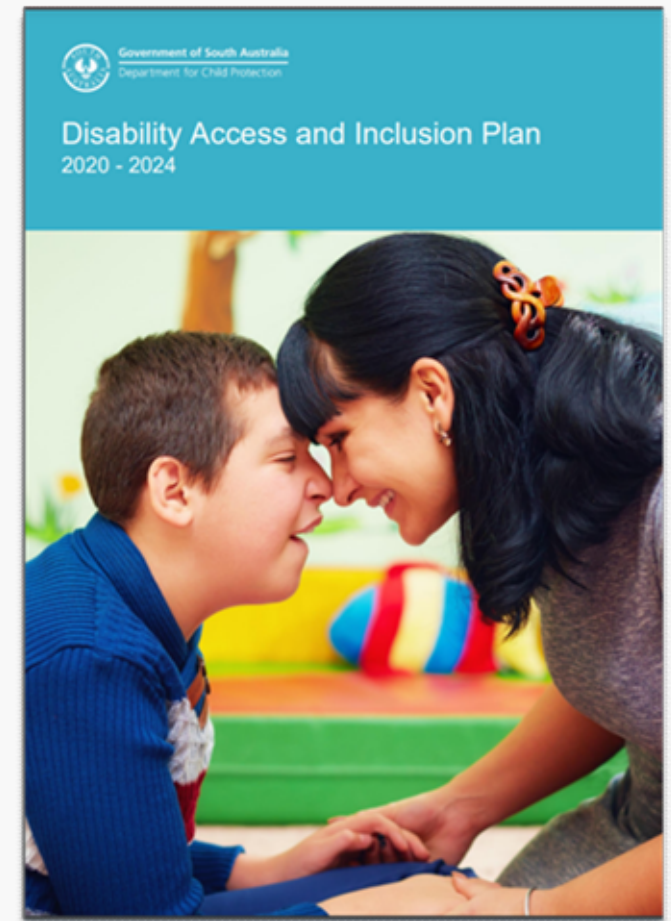
- The Act sets out requirements for:
 - A State Disability Inclusion Plan, and
 - Disability Access and Inclusion Plans (DAIPs) to be developed by State authorities
- On 31 October 2019, the SA Government released Inclusive SA: State Disability Inclusion Plan 2019-2023.



Government of South Australia
Department for Child Protection

Disability Access and Inclusion Plan 2020-2024

- On 28 October 2020, the department published our first Department for Child Protection Disability Access and Inclusion Plan (DAIP)
- DAIPs assist public authorities to plan and improve access and inclusion across multiple outcome areas.
- These plans are primarily designed to benefit people with disability.



Disability Access and Inclusion Plan 2020-2024

The DCP DAIP includes actions to promote disability access and inclusion for:

- Children and young people
- Parents and carers, and
- Staff

Within services that we fund and deliver



Disability Access and Inclusion Plan 2020-2024

The plan address four main themes:

- Inclusive communities for all
- Leadership and collaboration
- Accessible communities
- Learning and employment



Government of South Australia
Department for Child Protection

Disability Access and Inclusion Plan 2020-2024

→ Inclusive communities for all

→ What we said we will do:

- Develop materials to support carers to better understand the disability specific needs of children and young people
- Provide awareness raising and information sessions for staff on disability and developmental delay
- Continue to improve data on children and young people with disability
- Ensure our responses under the National Redress Scheme are responsive to people with a disability
- Ensure all Human Resources documentation support attraction and retention of staff with disability
- Improve the department's response to parents with disability



Disability Access and Inclusion Plan 2020-2024

→ Leadership and collaboration

→ What we said we will do:

- Ensure representation of young people with disability within the Youth Engagement Program
- Ensure active participation in decision-making for children and young people with disability
- Improve the department's response to children and young people and their families with disability from Aboriginal and culturally and linguistically diverse backgrounds.
- Enhance disability and developmental delay learning packages and support for staff within the Manual of Practice and the DCP Practice Approach
- Actively promote YourSAy to maximise engagement opportunities, both internally and externally to DCP



Disability Access and Inclusion Plan 2020-2024

→ Accessible communities

→ What we said we will do:

- Ensure DCP programs and activities for children and young people are accessible and inclusive for all children and young people
- Consult with DCP funded non-government organisations to improve access and inclusion within organisations
- Ensure DCP workplaces are accessible and modification requirements are actioned in a timely manner
- Ensure the DCP website and intranet meet SA Government accessibility requirements



Disability Access and Inclusion Plan 2020-2024

→ Learning and employment

→ What we said we will do:

- Work with Department for Education to streamline our approach to supporting children and young people in care with disability to improve educational outcomes
- Re-design Supported Independent Living and Residential Care: Disability placements to better meet the needs of children and young people with disability
- Deliver a specific focus on young people transitioning from care
- Improve recruitment processes to attract staff with disability



Disability Access and Inclusion Plan 2020-2024

- To find out more about the Inclusive SA: State Disability Inclusion Plan 2019-2023 visit inclusive.sa.gov.au
- To find out more about the DCP Disability Access and Inclusion Plan 2020-2024 visit childprotection.sa.gov.au





Questions

