

Restrictive Practice Guide

Safe Transportation

February 2023

Version 2



Acknowledgements

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 - o Community Services Directorate, Australian Capital Territory
 - o Department of Communities and Justice, New South Wales
 - Department of Health, Northern Territory
 - Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships, Queensland
 - Department of Human Services, South Australia
 - o Department of Communities, Tasmania
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Background

The NDIS Quality and Safeguards Commission (NDIS Commission) is an independent agency that was established to develop a nationally consistent approach to quality and safeguarding for people with disability receiving supports and services under the National Disability Insurance Scheme (NDIS). In fulfilling this role, the NDIS Commission is committed to promoting, protecting and ensuring the full and equal enjoyment of all human rights and fundamental freedoms by people with disability and promoting respect for their inherent dignity (United Nations, 2006). This includes providing leadership in behaviour support, monitoring the use of regulated restrictive practices and promoting their reduction and elimination.

Regulated restrictive practices include seclusion, chemical restraint, mechanical restraint, physical restraint and environmental restraint. These practices or interventions have "the effect of restricting the rights or freedom of movement of a person with disability" (Australian Government, 2013). The use of regulated restrictive practices by registered NDIS providers is subject to conditions outlined under the <u>National Disability Insurance Scheme</u> (Restrictive Practices and Behaviour Support) Rules 2018.

Purpose of the guide

The purpose of this guide is to:

- promote the rights and inherent dignity of people with disability,
- assist in identifying the use of regulated restrictive practice when transporting people with disability,
- highlight the special considerations and safeguards relevant to the use of transportation for people with disability,
- provide practice advice consistent with a positive behaviour support framework, contemporary evidence informed practice and the intent to reduce and eliminate the use of restrictive practices, and
- assist registered NDIS providers and NDIS behaviour support practitioners to meet their obligations under the <u>National Disability Insurance Scheme Act 2013</u> (NDIS Act 2013) and relevant Rules.

Scope

This guide was developed for registered NDIS providers and NDIS behaviour support practitioners supporting NDIS participants, but it may also be of interest to anyone who supports a person with disability. It provides guidance on the use of restrictive practices in transportation. This guide should be read in conjunction with the <u>Regulated Restrictive</u> Practice Guide.

Legislative context

This guide furthers some of the NDIS Quality and Safeguards Commissioner's behaviour support function as set out in section 181H of the NDIS Act 2013 relevantly:

"The Commissioner's behaviour support function is to provide leadership in relation to behaviour support, and in the reduction and elimination of the use of restrictive practices, by NDIS providers, including by:

...

- (b) developing policy and guidance materials in relation to behaviour supports and the reduction and elimination of the use of restrictive practices;
- (c) providing education, training and advice on the use of behaviour supports and the reduction and elimination of the use of restrictive practices;

...

(e) undertaking and publishing research to inform the development and evaluation of the use of behaviour supports and to develop strategies to encourage the reduction and elimination of restrictive practices by NDIS providers."

The NDIS Act 2013 gives effect to Australia's obligations under the <u>Convention on the Rights of Persons with Disabilities</u> (CRPD). The CRPD is the first binding international human rights treaty to recognise the rights of all people with disability. Australia signed the CRPD in 2008.

Key points

- In Australia, everyone in a vehicle is required to wear an approved seat belt, child restraint or use a booster seat. However, special rules and considerations apply to people with disabilities or medical conditions when they travel in a vehicle.
- Ensuring the safety of the person with disability and others during transportation is crucial.
- Transportation should be provided in the least restrictive and least intrusive manner
 possible, giving due regard to the support needs and safety of the person being
 transported, the safety of others, and available resources.
- A risk assessment determining risk of harm to the person and others during transportation may be necessary.
- If a person with disability displays behaviours of concern, a restrictive practice might be needed to support safe transportation if positive strategies alone are not sufficient to keep the person and others safe from harm.
- The use of regulated restrictive practices by NDIS providers on NDIS participants is subject to regulation, monitoring and oversight by the NDIS Commission.
- Regulated restrictive practices should only be used as a last resort to reduce risk of harm to the person or others, after exploring and applying evidence-based, personcentred and proactive strategies. They must be the least restrictive response possible, proportionate to the risk of harm and used for the shortest time possible.
- In some circumstances restrictive practices used in a vehicle may be mechanical restraint or environmental restraint depending on the manner and context the device is applied.
- All providers should work in the best interests of people with disability to provide safe transportation, and have processes in place to promote wellbeing and reduce the likelihood of harm.
- The <u>NDIS (Restrictive Practices and Behaviour Support) Rules 2018</u> outline registered NDIS providers' obligations in relation to behaviour support plans and the use, monitoring and reporting of regulated restrictive practices.
- Each state and territory has legislation, policy and procedures that also need to be adhered to. Some state and territory authorisation bodies may also want oversight over certain devices used in transportation.

Reducing and eliminating restrictive practices

Consistent with a positive behaviour support framework and the NDIS Act 2013, regulated restrictive practices should only be used as a last resort in response to risk of harm and for the shortest time possible. There should be a clear plan to reduce and eliminate the use of regulated restrictive practices over time, where the restrictive practices are replaced with proactive and less restrictive alternatives that are based on an understanding of the person's needs and the function of the behaviour.

Australia is committed to the reduction and elimination of restrictive practices. The *National Framework for Reducing and Eliminating the Use of Restrictive Practices in the Disability Service Sector* identified the following six core strategies for reducing and eliminating restrictive practices:

- 1. Person-centred focus
- 2. Leadership towards organisational change
- 3. Use of data to inform practice
- 4. Workforce development
- 5. Use of restraint and seclusion reduction tools (including evidence-based assessment, prevention approaches, emergency management plans, environmental changes and meaningful activities integrated into the individual's support plan)
- 6. Debriefing and practice review

The primary goal of positive behaviour support is to improve quality of life. Reduction of behaviours of concern is the secondary goal. Reducing and eliminating restrictive practices upholds the rights of people with disability, and is a critical part of promoting quality of life.

Legislation and Safe Transportation

Safe transportation for people with a disability is important to enable full participation in the community. It allows for social and economic engagement, fosters independence and choice and control. The Convention on the Rights of Persons with Disabilities (CRPD) supports the right of people with disabilities to access transportation on an equal basis with others. It acknowledges the importance of transport for people with disabilities to access a range of services including homes, schools, healthcare facilities, workplace and leisure [CRPD Article 9].

There are a range of disabilities and medical conditions that may impact on a person's safe restraint in a motor vehicle. For example, people with a disability that affects their posture, movement and positioning (e.g., cerebral palsy, neuromuscular conditions, spina bifida) often require more supportive vehicle seating options.

Special consideration are often needed for children with autism, intellectual disability, attention deficit hyperactivity disorder and those who engage in behaviours of concern to be able to travel safely in a vehicle. Research has found that 74 percent of children with autism attempt to remove their seat belt, and more than 20 percent of parents' report that their child engages in aggressive or self-injurious behaviour during travel, impacting on their safety and others (Yonkman, et al., 2013).

People with a disability, the driver, passengers and others have the right to travel safely in a vehicle. Contravening this could result in a breach of provider requirements under the NDIS Code of Conduct. Compliance with the NDIS Code of Conduct is a condition of registration for NDIS registered providers under section 73F(2)(b) of the NDIS Act.

The laws of each Australian state and territory have specific rules in relation to the use of seatbelts, child restraints, booster seats and other transport safety measures. These rules are in place to keep people safe. These rules vary depending on the age of the person travelling in a vehicle and whether the person has a disability or medical condition. It is important to be familiar with the state or territory road rules relating to how a person with disability or medical condition can travel including applicable restraint options. See Appendix A for links to Australian Standards for child restraints, road rules relevant to each state and territory, and relevant policies. Complying with all applicable requirements imposed by a law of the state or territory is a condition of registration for NDIS providers under section 73F(2)(a) of the NDIS Act.

What is a restrictive practice?

Section 9 of the <u>NDIS Act 2013</u> defines a restrictive practice as 'any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with disability'. Under the <u>NDIS (Restrictive Practices and Behaviour Support) Rules 2018</u>, there are five restrictive practices that are subject to regulation and oversight by the NDIS Commission. These are chemical restraint, mechanical restraint, physical restraint, environmental restraint and seclusion. For definitions of each regulated restrictive practice refer to Appendix B.

Do restrictive practices apply to transportation?

When applying regulated restrictive practice definitions to safe transportation there are a number of laws and other factors that need to be considered, these are outlined below.

Devices that are not a regulated restrictive practice during the course of transportation

It is the NDIS Commission's position that the following devices used in a vehicle when transporting a person with disability are not considered regulated restrictive practices irrespective of whether or not the person is also engaging in a behaviour of concern. This applies to the use of these devices **only** during the course of transportation (i.e., taking a person from one place to another):

- Child and window locks on vehicles
- Seat belt guards
- A dividing screen between the driver and the back seat
- A harness prescribed for postural/ therapeutic support when travelling in a vehicle

These devices are not considered a restrictive practice on the basis that:

- (i) under s73F(2) of the NDIS Act, a registered provider must comply with all applicable requirements imposed by a law of the Commonwealth or a law of the State or Territory in which it operates, and
- (ii) the wearing of a seat belt while travelling is mandatory under state and territory laws; and
- (iii) the use of a seat belt on a person with disability in the course of transportation is not considered a restrictive practice; and

- (iv) the use of a seat belt guard in the course of transportation is used to ensure compliance with the legal requirement to have all passages wear a seat belt; and
- (v) the use of a seat belt guard does not restrict the free movement of a person with disability in a vehicle during transportation, beyond the restriction on the person's movement imposed by the wearing of the seat belt; and
- (vi) the use of locked doors and windows in the course of transportation is used to ensure compliance with the legal requirement that a person must not travel in or on a motor vehicle with any part of the person's body outside a window or door of the vehicle unless the person is the driver of the vehicle and is giving a hand signal; and
- (vii) the use of interior partitions/ divider screens in a vehicle can be used in accordance with the requirements outlined in the <u>Australian Light Vehicle Standards Rules 2015 (pcc.gov.au) (PDF, 1.4 MB)</u>.

Devices that are a restrictive practice in transportation

In some circumstances restrictive practices used in a vehicle may fall under mechanical restraint, or environmental restraint depending on the manner and context the device is applied. If the devices outlined on page 9 are used in any other circumstances to manage behaviours of concern then this would constitute a regulated restrictive practice.

For example:

- Using a seatbelt guard while the vehicle is not in transit to keep a person with disability in their seat because they are agitated is a **mechanical restraint**.
- Using a harness on a person to manage a behaviour of concern in a vehicle who does not require it for postural/ therapeutic support is a mechanical restraint.

More examples of when devices are, and are not, a regulated restrictive practice are provided in **Table 1**.

Table 1: Devices that are, and are not, a regulated restrictive practice in transportation

Device	Regulated Restrictive Practice	Not a regulated restrictive Practice
Harness	The use a harness to stop a person from hitting others in a vehicle who does not require it for postural/ therapeutic support is a mechanical restraint.	The use of a harness that is part of an appropriate child restraint or seat (depending on the child's size and age) that is in line with state or territory road safety rules is not a mechanical restraint, for example, a 3 point booster seat. A harness prescribed by an occupational therapist for postural support for a person with a disability when travelling in a vehicle.
Lap belt	The use of a lap belt when not in transit to stop a person from getting out of their wheelchair and wandering in a vehicle is a mechanical restraint.	The use of a lap belt on a wheelchair for postural/therapeutic support is not a mechanical restraint.
Child lock	Using a child lock when not in transit to prevent a person from exiting the vehicle when agitated is an environmental restraint.	The use of the child lock on a vehicle in transit is not a mechanical restraint.
Dividing screen	N/A	A dividing screen between the driver and the back seat is not a mechanical restraint.
Seat belt guard	Using a seat belt guard when not in transit to prevent a person from getting out of their seat in a vehicle when agitated is a mechanical restraint.	Using a seat belt guard in a vehicle to ensure the seat belt remains fastened in transit is not a mechanical restraint.

Requirements for the use of devices that are not a regulated restrictive practice in transportation.

While devices that are not a regulated restrictive practice do not require reporting to the NDIS Commission, it may be in the best interest of the person and those supporting them to better understand why these practices are in place and what the person's needs are using an evidence based positive behaviour support approach. The use of these devices for transportation may be documented in various ways, including:

- Reports from a health practitioner qualified to prescribe therapeutic devices
- Risk assessments for safe transportation
- Participant files
- Other materials to support safe and effective implementation
- A behaviour support plan

Each state and territory has legislation, policy and procedures that also need to be adhered to for safe transportation. Some state and territory authorisation bodies may also want oversight over certain devices used in transportation. This means that while there are no reporting obligations to the NDIS Commission for these devices, NDIS providers would need to ensure that they are complying with any authorisation requirements (however described) in the relevant state or territory. Refer to <u>Appendix A</u> and <u>Appendix C</u> for links to Australian standards and road rules, and state and territory authorisation frameworks.

Requirements when using a regulated restrictive practice in transportation

The use of a device for behavioural purposes to enable safe transportation may constitute mechanical restraint or environmental restraint (depending on the context), and these are regulated restrictive practices. The following legislative instruments outline the reporting requirements and the conditions under which regulated restrictive practices can be used:

- National Disability Insurance Scheme (Restrictive Practices and Behaviour Support)
 Rules 2018
- National Disability Insurance Scheme (Provider Registration and Practice Standards)
 Rules 2018
- National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018

Some of these conditions include that the use of a regulated restrictive practice must:

- a) be clearly identified in the behaviour support plan
- b) if the state or territory in which the regulated restrictive practice is to be used has an authorisation process (however described) in relation to that practice, be authorised in accordance with that process
- c) be used only as a last resort in response to risk of harm to the person with disability or others, and after the provider has explored and applied evidence-based, personcentred and proactive strategies
- d) be the least restrictive response possible in the circumstances to ensure the safety of the person or others
- e) reduce the risk of harm to the person with disability or others
- f) be in proportion to the potential negative consequence or risk of harm
- g) be used for the shortest possible time to ensure the safety of the person with disability or others.

Considerations when using devices in transportation

- Transport should be provided in the least restrictive and least intrusive manner possible, giving due regard to the support needs and safety of the person being transported, the safety of others, and the available resources.
- Consideration of the expressed wishes of the person and/or their family or carer.
- Involving the person with disability about decisions regarding their transport and care.
- Consultation with a physiotherapist or occupational therapist as appropriate.
- A comprehensive assessment of risk should also include the person's level of distress, agitation or aggression prior to transport and the potential for associated risks in transit.
- A comprehensive health assessment should be undertaken when there are changes in a person's behaviour, as these may be explained by conditions such as an ear infection, dizziness, travel sickness, pain or discomfort.
- If substantial modifications are required in a vehicle, it may be advisable to consult an engineering firm with expertise in this area. Consultation with fire services may also be advisable as there could be issues regarding the safe removal of a restraint in the event of an accident.
- Restraint options for children under the age of 16 years should be used in accordance with AS/NZS 4370:2013.

Assessing behaviours of concern during transportation

A person with disability may exhibit behaviours of concern when travelling. This can put the person and others at risk. It is important to assess the underlying reason for the behaviour by completing a functional behaviour assessment within a positive behaviour support framework. Examples of behaviours of concern that can occur while being transported in a vehicle include:

- Hitting the windows/ seat/ others
- Trying to unlock the doors and attempting to get out whilst being driven
- Signs of protesting (trying to get out of their seats, rapid movement such as significant rocking)
- Screaming, yelling

Things to consider when a person displays behaviours of concern during transportation

- What has previously worked and not worked in the past?
- A risk assessment determining risk of harm to the person and others during transportation, include various modes of transport available to the person, and the relative risks and benefits of each
- Distance to be travelled.
- What need is the person trying to communicate?
- Is this a new behaviour or is there a history?
- Have there been changes to transport, that is, the route of travel, the distance, a change in routine, frequency, or mode of transport?
- Do they experience car sickness?
- Is the behaviour only observed when being transported or is it also observed in other parts of the person's environment?
- Is the person showing signs of distress, pain or discomfort?
- Is the person over stimulated? (Department of Health and Human Services, 2016)
- Do they have difficulty with transitioning, for example, transitioning in and out of the vehicle or between activities, not knowing where they are going and how long it will take (Department of Health and Human Services, 2019).
- Are there identifiable triggers to the behaviour?
- Are they experiencing sensory or physical discomfort?

Examples of non-restrictive strategies during transportation

- Distraction, engaging the person in self-directed activities, that is, listening to relaxing music, sensory items, iPad, books, audiobooks, video players, playing games like "I spy".
- Reducing potential triggers, for example, checking temperature, noise, less crowding or people in the vehicle.
- Pre-planning before travel, communicating where they will be going, how long they will be in the vehicle for, where they are going.
- Shortening travel routes where possible.
- Using social stories and visual aids to teach about safe traveling in a vehicle.
- Using de-escalation techniques, and where possible having a person they have a positive relationship with accompany them in transit, can help keep them calm.
- Check if environmental factors or sensory factors are negatively affecting the person.
 Strategies to lessen these factors could include noise (headphones, earmuffs), light (sunglasses, sunshades), weather (temperature control of vehicle) (Department of Health and Human Services, 2016).
- Schedule sufficient breaks, including opportunities to get out of the car, toileting breaks, planning stops on the way.
- Monitoring emotions and behaviour, and looking for early warning signs of distress and agitation.
- Developing the person's travel training skills. This might include 'desensitisation' that
 is, moving from sitting in a parked vehicle through short trips to locations valued by
 person, to longer trips to valued locations.

Further information or support

Contact the NDIS Quality and Safeguards Commission

Website: www.ndiscommission.gov.au/providers/behaviour-support

Phone: 1800 035 544 (Mon-Fri)

Email: BehaviourSupport@ndiscommission.gov.au

ACTBehaviourSupport@ndiscommission.gov.au

NSWBehaviourSupport@ndiscommission.gov.au

NTBehaviourSupport@ndiscommission.gov.au

QLDBehaviourSupport@ndiscommission.gov.au

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TASBehaviourSupport@ndiscommission.gov.au

VICBehaviourSupport@ndiscommission.gov.au

WABehaviourSupport@ndiscommission.gov.au

References

- Australian Government. (2013). <u>National Disability Insurance Scheme Act 2013.</u> Retrieved from https://www.legislation.gov.au/Details/C2019C00332
- Australian Government. (2014). <u>National framework for reducing and eliminating the use of restrictive practices in the disability service sector.</u>
- Australian Government. (2018a). <u>National Disability Insurance Scheme (Code of Conduct)</u>
 <u>Rules 2018.</u> Retrieved from https://www.legislation.gov.au/Details/F2018L00629
- Australian Government. (2018b). <u>National Disability Insurance Scheme (Incident</u> Management and Reportable Incidents) Rules 2018.
- Australian Government. (2018c). <u>National Disability Insurance Scheme (Provider Registration and Practice Standards)</u> Rules 2018.
- Australian Government. (2018d). National Disability Insurance Scheme (Quality Indicators) Guidelines 2018.
- Australian Government. (2018e). <u>National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018</u>
- Department of Health and Human Services (2019) Recognising and Reducing Mechanical Restraint Practice guide. State of Victoria.
- Department of Health and Human Services (2016) Transportation of children with disabilities who display behaviours of concern. Clinical reasoning guide for occupational therapists. Victoria State Government.
- United Nations (2006). <u>United Nations Convention on the Rights of Persons with Disability</u>.
- Yonkman J, Lawler B, Talty J, O'Neil J, and Marilyn B (2013). Safely transporting children with autism spectrum disorder: evaluation and intervention. American Journal of Occupational Therapy, 67 (6): 711–716.

Appendix A: Australian Standards and relevant road rules

Australian Standards

Australian Standards provide guidelines for good practice. Australian Standards are documents that set out specifications and guidelines for products, services and systems to be safe, reliable and consistent in their function (REF). Australian Standards are not legal documents, unless mandated by government.

Australian Standards relevant to child vehicle restraints include:

- AS/NZS 1754 Child restraints systems for use in motor vehicles
- AS/NZS 8005 Accessories for child restraints for use in motor vehicles
- AS/NZS 4370 Restraint of children with disabilities, or medical conditions, in motor vehicles.

Relevant Road Rules Links

The National Transportation Commission

National Transport Commission

ACT

Road Transport (Safety and Traffic Management) Booster Seat, Child Restraint and Child Safety Harness Approval 2020(No 1)

NSW

Vehicle Standards Information VSI.49 | Rev 1 | 1 November 2007 (PDF, 596 KB)

South Australia

Road Traffic (Miscellaneous) Regulations 2014 (legislation.sa.gov.au) (PDF, 1.2 MB)

Tasmania

Road Amendment Rules 2016

Victoria

Children with additional needs: VicRoads

Queensland

<u>Transport Operations (Road Use Management—Road Rules) Regulation 2009</u>

Western Australia

Seats and seat belts

Child safety on WA roads

Northern Territory

https://legislation.nt.gov.au/Legislation/TRAFFIC-REGULATIONS-1999

Appendix B: Regulated Restrictive Practice Definitions

Seclusion

Section 6(a) of the <u>NDIS (Restrictive Practices and Behaviour Support) Rules 2018</u> defines seclusion as:

"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".

Chemical Restraint

Section 6(b) of the <u>NDIS (Restrictive Practices and Behaviour Support) Rules 2018</u> defines chemical restraint as:

"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".

Mechanical Restraint

Section 6(c) of the <u>NDIS (Restrictive Practices and Behaviour Support) Rules 2018</u> defines mechanical restraint as:

"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".

Physical Restraint

Section 6(d) of the <u>NDIS (Restrictive Practices and Behaviour Support) Rules 2018</u> defines physical restraint as:

"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".

Environmental Restraint

Section 6(e) of the <u>NDIS (Restrictive Practices and Behaviour Support) Rules 2018</u> defines environmental restraint as practices:

"which restricts a person's free access to all parts of their environment, including items or activities".

Appendix C: State/Territory Authorisation Frameworks

State/ Territory	Legislation, policy or procedure	For more information about authorisation, consent and reporting requirements
ACT	Senior Practitioner Act 2018	See: ACT Senior Practitioner website
NSW	RPA Policy and Procedural Guide Draft Persons with Disability (Regulation of Restrictive Practices) Bill 2021	See: NSW Restrictive Practices Authorisation Portal
NT	National Disability Insurance Scheme (Authorisations) Act 2019	See: NT Department of Health website
QLD	The Disability Services Act 2006	See: Queensland Legislation - Queensland Government
SA	South Australia's Restrictive Practices Authorisation scheme commenced on Monday 30 May 2022. The SA legislation provides for the Restrictive Practices Authorisation scheme under:	See: DHSRestrictivePracticesUnit@sa.gov.au.
	Part 6A (Restrictive practices) of the Disability Inclusion Act 2018;	
	 Disability Inclusion (Restrictive Practices – NDIS) Regulations 2021; and 	
	Restrictive Practices Guidelines (made under Part 6A of the Disability Inclusion Act 2018).	
	Part 6A (Restrictive practices) of the Disability Inclusion Act 2018 sets out the roles, processes, and criteria for the authorisation of restrictive practices by registered NDIS providers for NDIS participants in SA.	
TAS	Disability Services Act 2011	See: Office of the Senior Practitioner
VIC	Disability Act 2006, Disability Amendment Act 2012, Disability (National Disability Insurance Scheme Transition) Amendment Act 2019	See: VIC Authorisation process for the use of regulated restrictive practices and / or the DHHS website
WA	Authorisation of Restrictive Practices in Funded Disability Services Policy 2020	See: WA Authorisation of Restrictive Practices web page and / or contact the Authorisation of Restrictive Practices email: ARP@communities.wa.gov.au