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## NSW Restrictive Practices Authorisation (RPA)

### News

RPA Newsletter - March 2022

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### In this Issue

Welcome to the March 2022 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.

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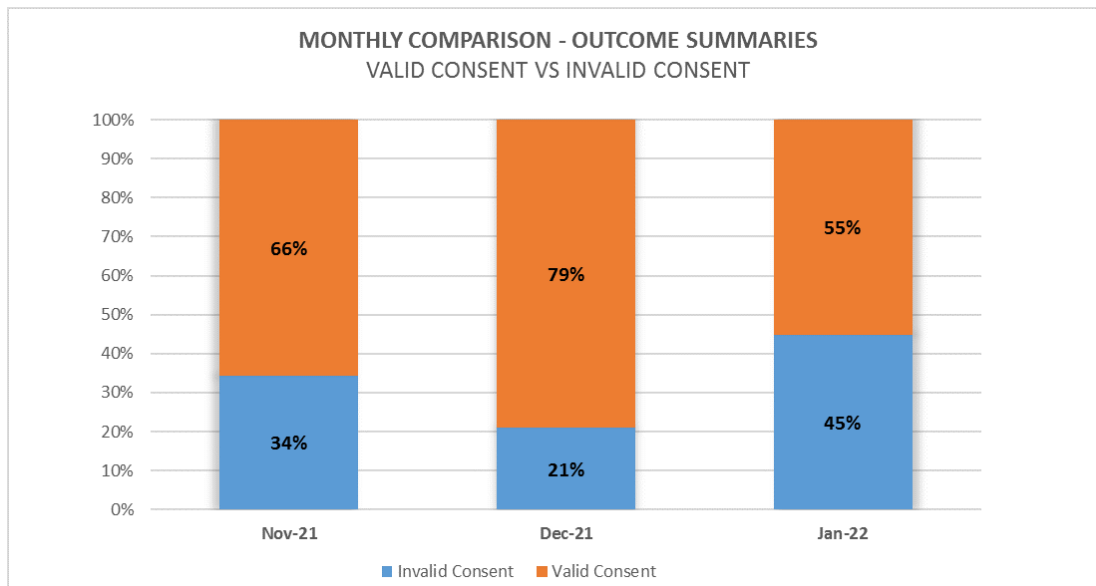


## Let's Talk Quality

The Central Restrictive Practices Team (our team) has completed the review of all outcome summaries finalised in the NSW RPA System for January 2022. This is summarised below.

### Consent

225 Outcome Summaries were completed in January 2022. Of these, 45% (or 101 Outcome Summaries) were considered invalid because appropriate consent was not provided. In January 2022 there was a decline in the number of valid outcome summaries when compared to November 2021 and December 2021. You can see this in the graph below.



*A bar chart comparing the last three months of valid vs. invalid consent shows November 66% Valid to 34% Invalid; December 79% Valid to 21% Invalid; January 55% Valid to 45% Invalid.*

The top three reasons why we considered consent invalid in January 2022 outcome summaries are listed below and the figure in brackets is the percentage of outcome summaries which contained this error:

1. **Incomplete consent information attached (30%).** This is where the consent documentation was not appropriately included in the Outcome Summary. For example if the consent document was attached to the outcome summary but it did not contain the **specific** practices that consent was being provided for
2. **Consent was not provided by an authorised person (24%).** This includes instances where no evidence was provided that the person providing consent had a guardianship order with a restrictive practices function.
3. **Inappropriate use of Section 4.4.5 of the NSW RPA Policy (13%).** This refers to RPA Panels incorrectly using or evidencing their use of Section 4.4.5 of the NSW RPA Policy. This section of the NSW RPA Policy has very strict conditions under which it can be used and is **only applicable for environmental restraint**.

### Your supports

Our team can provide you with a number of supports to assist you to get consent right; these include:

- meeting with your organisation to discuss the results of the review specific to your organisation, and to provide some capacity building around consent requirements under the NSW RPA Policy
- giving you feedback on your consent requirements specific to a practice
- providing you with information on what sections of the RPA Policy may or may not be relevant to your situation (such as the use of section 4.4.5)
- our DCJ Independent Specialists providing you with information on the consent requirements at RPA Panels for the practices that are being authorised
- having additional focus on consent requirements in the RPA Webinars that are hosted regularly by our team.

Please email us for more information.

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## **NSW RPA Webinars**

DCJ are currently running regular webinars and will be conducting each of our two webinars monthly. One webinar focuses on authorisation requirements. The other focuses on the end-to-end process of submitting and approving restrictive practices in the NSW RPA System. The webinars will now alternate between Tuesdays and Thursdays.

### **Webinar 1 - RPA Requirements in NSW**

Wednesday 6 April, 10.30am - 12.30pm

This session is recommended for anyone who is new to RPA in NSW or who would like a better understanding of the requirements for authorising a restrictive practice. Participants will have the opportunity to ask policy-related questions.

### **Webinar 2 - End-to-end NSW RPA system demonstration**

Wednesday 13 April, 10.30am - 12pm

This session is recommended for new users of the RPA System who have not attended previous information sessions. It will focus on how to submit and approve restrictive practices in the NSW RPA System. The webinar will also include an overview of roles and responsibilities according to the function (i.e. Behaviour Support Practitioner) and how key dashboard components can assist with the monitoring of practices.

For more information, or to register for any of the webinars, please go to our Eventbrite page [here](#).



## NSW RPA System - Reports Update

### Seeking Your Feedback

We are currently updating some of the reports available in the NSW RPA System and we would love your input!

We want to know what changes you'd like to see to the existing reports. We'd also like to know what new reports would be useful to you.

Please [contact us](#) to share your thoughts!

The report updates which have recently been implemented are outlined below.

### Panel Meeting Report Update

The panel meeting report lists the details of all panel meetings that:

- are visible to the individual user through the Submissions, Outcome Summary and Review records; and
- meet the parameters selected by the user in the report interface.

### Panel Meeting Report

Select Parameters	
From Date 01/07/2018	To Date 18/02/2022
NDIS Region(s) All Regions	Submission Status All Statuses
Organisation Name Example Pty Ltd	Branch Name All Branches
Outcome Summary Status All Statuses	Participant NDIS Participants
Participant Age All	Accommodation Setting All
Panel Members All Panel Members	
<a href="#">Get Report</a>	

Three new columns have been added to the Panel Meeting report:

- Panel Member Email
- Outcome Approval
- Review Approval

## Panel Member Email

The Panel Member Email column contains the email address of each panel member. This information is available in the NSW RPA System, in the submission and the review (subject to the individual user's account settings). Adding the information to this report will save users from looking up submissions or reviews individually if they wish to contact the panel.

## Outcome Approval and Review Approval

Two new columns have been added to show the approval status of individual panel members, one column for Outcome Summaries and one column for Reviews.

Panel meeting date	Time	Submission ID	Submission status	Outcome ID	Outcome Decision Date	Review ID	Organisation Name	Participant name	Panel member role	Panel member name	Panel member email	Outcome status	Outcome Approval	Review status	Review Approval
2/02/2022	2:00:00 PM	1342	Released	70412	2/02/2022		Example Pty Ltd	Natasha Yellow	DCJ Independent Specialist	Gertrude Gold	gertrude@demo.org.au	Pending Panel Approval	Approved		
2/02/2022	2:00:00 PM	1342	Released	70412	2/02/2022		Example Pty Ltd	Natasha Yellow	Service Provider Manager	Paula Plum	paula@example.org.au	Pending Panel Approval	Pending Approval		
2/02/2022	1:00:00 PM	1343	Completed	70388	9/09/2021	80397	Example Pty Ltd	Craig Crimson	DCJ Independent Specialist	Gertrude Gold	gertrude@demo.org.au	Completed		Pending Approval	Approved
2/02/2022	1:00:00 PM	1343	Completed	70388	9/09/2021	80397	Example Pty Ltd	Craig Crimson	Service Provider Manager	Paula Plum	paula@example.org.au	Completed		Pending Approval	Pending Approval

The information is drawn from the Outcome Summary or from the Review.

In the case of the Outcome Approval column, the report shows the status of the approval from each panel member from Section 8 of the Outcome Summary.

Name	Panel Role	Phone	Email	Status	Action
Paula Plum	Service Provider Manager	02 1234 5678	paula@example.org.au	Pending Approval	
Gertrude Gold	DCJ Independent Specialist	02 1234 5678	gertrude@demo.org.au	Approved	

In the case of the Review Approval column, the report shows the status of the approval from each panel member from Section 6 of the Review.

Name	Panel Role	Phone	Email	Status	Action
Gertrude Gold	DCJ Independent Specialist	02 1234 5678	gertrude@demo.org.au	Approved	<a href="#">View</a>
Paula Plum	Service Provider Manager	02 1234 5678	paula@example.org.au	Pending Approval	<a href="#">View</a>

## Panel Meetings Views

Several updates have been made to the Panel Meetings views:

- A column has been added to show the Participant's name;
- A button has been added to allow you to export the meeting list to Excel;
- A new view has been added. The 'Past Meetings' view shows meetings in the past.

### Participant's Name Column

A column showing the Participant's name has been added to each of the Panel Meeting views.

### Export to Excel

A button has been added to allow you to export the meeting list to Excel. This is available in the Upcoming Meetings and Past Meetings views.

#### Upcoming Panel Meetings



### Past Meetings

A new view has been added to allow users to see panel meetings that they have previously attended. Any panels with a meeting date earlier than today will appear in this view.

This view is available under the Panel Meetings menu.

## Planned Submissions and Comprehensive BSP

To better clarify the connection between Planned Submissions and Comprehensive Behaviour Support Plans (BSP) for new users, a few changes have been made in the Submission record:

1. The Submission Type button now reads 'Planned/Comprehensive' (the button was previously 'Planned').
  2. The wording in the Submission Type tool tip has been updated.
  3. When you select a Submission Type, an indicator advises which type of BSP you should attach.
  4. The document list now specifies a Current Comprehensive BSP, rather than a current BSP.
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## External Resource: Enjoy Safe Meals

*Co-Creating Safe and Enjoyable Meals for People with Swallowing Disability* is a project to support NDIS participants with swallowing difficulties. The project has co-created a training package designed for a wide range of audiences.

The training modules contain information on topics including:

- Mealtime assistance as a vital role
- Swallowing and swallowing disorders
- Food texture modification with a focus on the appearance, flavour, and texture of foods aligned with IDDSI
- Equipment for use during meals including seating and positioning and to promote and maintain independence

You can find some of the training resources, and contact the project for more information on the training, via the website [enjoysafemeals.com](http://enjoysafemeals.com).

This project was funded via grants in 2020-2021 from the Support for NDIS Providers Program administered by NDIS Quality and Safeguards Commission; and from the Victorian Department of Families, Fairness and Housing.





# Use of Section 4.4.5 to Waive Consent Requirement

Recently, we have been looking into how RPA Panels have used the provisions of Section 4.4.5 of the NSW RPA Policy. This section makes provisions for an RPA Panel to waive the need for consent, under certain circumstances and **for environmental restraint only**.

In our review we found a number of RPA Panels incorrectly used the provisions of s4.4.5 and our team has been reaching out to those providers who have used it incorrectly. These provisions are strict and if your panel is intending to use these provisions we recommend you contact our team for advice before completing your Outcome Summary.

## Provisions

Section 4.4.5 of the NSW RPA Policy outlines that the requirement for consent for environmental restraint can only be waived only where:

- a strategy has been approved by the RPA Panel, **and**
- the person is unable to consent, **and**
- there is no close friend or relative who can support the person to consent, **and**
- in the opinion of the RPA Panel, based on precedent and in consultation with relevant stakeholders, the Guardianship Division is considered unlikely to appoint a guardian with a restrictive practice function, **or**
- an Application has been made to the Guardianship Division in accordance with a direction from the RPA Panel but a decision has not yet been reached, **or**
- an Application has been made but the Guardianship Division has declined to appoint a guardian with a restrictive practice function.

## How to Use the Provisions

With these provisions, it is important to note:

1. that these are listed as joint points and therefore **all necessary conditions** need to be met in order for the RPA Panel's use of this section to be valid
2. in those instances **where all of the necessary conditions are not met then it is expected that consent is provided by an individual listed in Table 2 on page 11 of the RPA Policy.**

In other words, the provisions must be read in its entirety and no single provision can be taken in isolation as a condition to waive consent. If your RPA Panel believes a person's circumstances meets the above requirements then this will need to be comprehensively documented in the outcome summary in the NSW RPA System, and supporting evidence attached where applicable.

If you are considering making use of the provisions in Section 4.4.5, or require advice on what evidence to provide, please contact us at [restrictivepracticesauthorisation@dcj.nsw.gov.au](mailto:restrictivepracticesauthorisation@dcj.nsw.gov.au).

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## Case Study: Use of Section 4.4.5 to Waive Consent

Your RPA Panel has approved a practice of environmental restraint for Brad, a 19 year old man. Brad is unable to provide consent and his person responsible, his mother, is unable to support Brad to make a decision regarding consent for the practice. Brad's mother has indicated to your service that she intends to apply to be Brad's legally appointed guardian with a restrictive practices function.

In this scenario **until Brad's mother has put in the application for Guardianship, s4.4.5 of the NSW RPA Policy cannot be used** and therefore the need for consent cannot be waived.

It is **only after Brad's mother applies for Guardianship** that your RPA Panel can consider using the provisions of s4.4.5. Here, as the service provider manager completing the Outcome Summary, you and your RPA Panel need to provide evidence that Brad's mother has applied for Guardianship by uploading evidence that the application has been lodged. This evidence consists of the email from NCAT advising the application has been received. This must be uploaded in Section 7 of the Outcome Summary in order for your RPA Panel's decision to use the provisions of s4.4.5 of the RPA Policy to be valid.



**Test your knowledge!**

**Question 1:** Section 4.4.5 of the NSW RPA Policy can only be invoked, under specific circumstances, to waive the requirement for consent for one type of Restrictive Practice.

Which type is this?

**Question 2:** Is there a limit to the number of people who can attend a RPA Panel meeting?

**Question 3:** If a person resides in Queensland, but receives services in NSW, with restrictive practices being implemented in NSW, does the implementing service provider need to seek restrictive practice authorisation in NSW?



RPA News will be published monthly on the Department of Communities and Justice [Restrictive Practices Authorisation web page](#). If you have any questions about restrictive practices authorisation or this newsletter, please email: [RestrictivePracticesAuthorisation@fac.s.nsw.gov.au](mailto:RestrictivePracticesAuthorisation@fac.s.nsw.gov.au)



## Test Your Knowledge Answers:

**Q1:** Section 4.4.5 of the NSW RPA Policy may only be invoked to waive the requirement for

consent, under specific circumstances, for Environmental Restraint.

**Q2:** No, there is no limit to the number of people who can attend and RPA Panel meeting. The only limitations apply to who sits on the panel as decision-makers, which is restricted to the three roles of Service Manager, Behaviour Support Specialist and Independent (the two roles of Behaviour Support Specialist and Independent may be fulfilled by one person).

**Q3:** Yes. If restrictive practices are being implemented in NSW by an NDIS service provider, regardless of the person's home address, restrictive practice authorisation will need to be sought in NSW in accordance with NSW RPA Policy and Procedure.

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