

Autism Spectrum Australia (Aspect) uses a Positive Behaviour Support (PBS) approach in working with people in situations where there is challenging behaviour or behaviour of concern. This policy details the principles of a PBS approach and how this is addressed across the whole organisation.

Aspect understands that there are many reasons for challenging behaviour and uses a PBS approach to design autism-friendly environments, work proactively to prevent challenges, teach new behaviours and skills and to respond positively if challenges do occur. Aspect collaborates with students, participants and their families and others where appropriate at the first sign of any difficulties to ask for information, advice and to develop a mutually agreed plan even before the use of any restrictive practices may be necessary.

This policy is for all Aspect staff working directly with or in an advisory way in situations where there is challenging behaviour. It is to be addressed at staff induction, via a commitment to positive practice, when addressing Aspect's Comprehensive Approach, in staff Position Profiles, during staff Management of Actual or Potential Aggression (MAPA) training, when developing or reviewing any PBS strategy or plan, especially where there are restrictive practices or after an incident and when providing direct support to any individual.

PBS is a comprehensive approach to supporting situations where there is challenging behaviour and combines the science of learning (from Applied Behaviour Analysis) with human rights and values. PBS works in respectful collaboration with individuals and their families to use effective evidence-based strategies to increase the quality of life for all involved.

Evidence-based practices are derived from international research, standards, accreditation and understanding of contemporary best practice that goes beyond compliance.

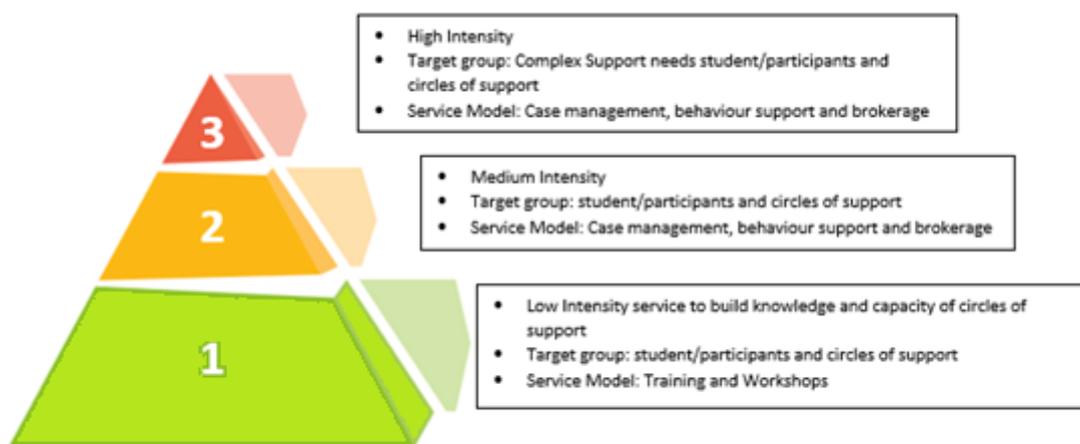
Reductions in behaviours of concern are necessary and important but improved quality of life is the major outcome. This includes physical and mental health, independence in everyday life skills, engaging in meaningful activities, community participation, trusting freely given relationships, increased access to personal preferences, choice making and self-advocacy.

PBS understands that all challenging behaviour has a purpose or reason (this is called the 'function'), it is not random or meaningless. PBS uses a multi-component intervention based on a functional behavioural assessment to bring positive changes to a person and family life. PBS is both positive and proactive. Positive means increasing and strengthening helpful behaviours and new skills through 'reinforcement' (not using punishment or negative consequences such as 'response cost' to reduce the challenge). Proactive means developing supportive environments that prevent

challenges, anticipating where things may go wrong and planning to avoid that from happening rather than just reacting when things go wrong.

PBS services are delivered in a capacity building and collaborative way and are structured in a tiered or triangle model along a continuum of intensity of support.

PBS emphasises that strategies have to be able to be implemented in everyday family routines and community life. Strategies need to have a good fit with the context in which they will be implemented. PBS offers support to implement strategies consistently across environments and over time. Interventions are evaluated and aim for sustainability over time. Through this model the people we support access behaviour support that is appropriate to their needs and person-centred, which incorporates evidence-informed practice and complies with relevant legislation and policy frameworks.



## Restricted & Prohibited Practices

Aspect recognises that different strategies may be required to keep people safe in crisis situations for some students or participants in certain circumstances. Specific behaviour change practices may also be required as part of Aspect's duty of care and commitment to a continuous culture of safety and wellbeing. These strategies however have the potential to be misused and so are required to be restricted and monitored in their use. The goal is to remove the use of the restrictive practices over time with improved support and increased positive behaviours and skills.

Aspect also regards that some other strategies are inappropriate at all times as they may infringe on an individual's human rights and are therefore prohibited organisation wide.

Aspect maintains strict procedures and guidelines on the use of restrictive practices, including information regarding which practices are prohibited, both from external legislation and internally to promote good autism practice. These procedures are led by the National Framework for

Reducing and Eliminating the Use of Restrictive Practices in the Disability Service Sector (2013); and aim to:

- protect the human rights of the people we support;
- allow Aspect staff to work safely in challenging situations within an open, transparent and agreed framework;
- fulfil commitments to state and territory governments restrictive practices criteria for use, approval and fading; and
- prevent prohibited practices and the misuse of restrictive practices.

### External Framework

The Positive Behaviour Support policy illustrates Aspect's adherence to the:

- NDIS Practice Standards (2018) and NDIS Code of Conduct, specifically within the NDIS Practice Standards & Quality Indicators:
  - Core Module: 1. Rights and Responsibilities, under all Outcomes.
  - Core Module: 2. Provider Governance and Operational Management, under the relevant Outcomes.
  - Core Module: 3. Provision of Supports, under the relevant Outcomes.
  - Core Module: 4. Support Provision Environment, under the relevant Outcomes.
  - Supplementary Module: 1. High Intensity Daily Personal Activities, under the relevant Outcomes.
  - Supplementary Module: 2. Specialist Behaviour Support Module, under all Outcomes.
  - Supplementary Module: 2a. Implementing Behaviour Support Plans, under all Outcomes.
  - Supplementary Module: 3. Early Childhood Supports, under all Outcomes.
- Disability Standards for Education (2005), specifically:
  - Part 3: Making Reasonable Adjustments.
  - Part 5: Standards for Participation.
  - Part 6: Standards for Curriculum Development, Accreditation and Delivery.
  - Part 7: Standards for Student Support Services.
  - Part 8: Standards for Harassment and Victimisation.
- NESAs Registered and Accredited Individual Non-government Schools (NSW Manual), specifically:
  - 3. Requirements for Registered Non-government Schools, under requirements for Staff; Curriculum; and Safe and Supportive Environments.

- Standards for Registration and Review of Registration of Schools in South Australia, specifically the relevant quality related criteria for:
  - Standard 2 Student Learning and Assessment.
  - Standard 3 Student Safety, Health and Welfare.

### Critical Definitions

*Behaviour of Concern or Challenging Behaviour* - any persistent behaviour that causes risks to a person's or others' safety and limits a person's ability to have a good life. This does not include coping behaviour sometimes used by autistic people such as self-stimulatory behaviour or 'stimming'. Challenging behaviour or behaviour of concern is understood as part of an *interaction* between:

- an individual, their current and past experiences, and what they have been taught;
- the other people in their lives;
- the environments, communities and cultures in which they live.

Behaviour is called 'challenging' because it challenges everyone who supports the person to understand why it is happening and to work together to find a solution. The terms behaviour of concern or challenging behaviour can be used interchangeably.

*Culture of Safety & Wellbeing* - refers to an organisational culture which takes a preventative, proactive and participatory stance on safeguarding the people we support by:

- Putting the safety and wellbeing of the people we support as a paramount consideration when developing activities, policies and management practices;
- valuing and embracing the opinions and views of the people we support; and
- encouraging and assisting the people we support to build skills that will assist them to participate in society and taking action to protect the people we support from physical, sexual, emotional and psychological abuse and neglect.

*Restrictive/restricted practices* - any safety strategy, practice or intervention that has the effect of restricting the rights or freedom of movement of a person. These practices are restricted in their use, subject to approval, and the inclusion of these definitions is not an endorsement of their use. States and Territories are responsible for determining which practices are considered prohibited or restrictive and/or reportable - see Restrictive and Prohibited Practices Reference Guide for more information on the potential and prohibited uses of the following restricted practices:

- *Chemical Restraint* - use of medication or chemical substance for the primary purpose of influencing a person's behaviour.

- *Environmental Restraint* - restricts a person's free access to all parts of their environment, including items or activities (as relevant to age appropriateness).
- *Mechanical Restraint* - use of a device to prevent, restrict, or subdue a person's movement for the primary purpose of influencing a person's behaviour.
- *Physical Restraint* - 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.
- *Seclusion* - 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.

*Prohibited Practices* - practices which are abusive and which constitute assault or wrongful imprisonment, both of which are criminal offences and civil wrongs which could lead to legal action. They also include practices that may not be unlawful, but are unethical. These practices are not to be used.

## Legislation References

### International

United Nations Convention on the Rights of Persons with Disabilities

United Nations Convention on the Rights of the Child 1989

Universal Declaration of Human Rights 1948

### National

Australian Human Rights Commission Act 1986 (Cth)

Crimes Act 1914 (Cth)

Disability Discrimination Act 1992 (Cth)

Disability Services Act 1986 (Cth)

Disability Standards for Education 2005 (Cth)

National Disability Insurance Scheme Act 2013 (Cth)

National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and other measures) Bill 2017 (Cth)

National Standards for Disability Services 2014 (Cth)

Ombudsman Act 1976 (Cth)

Work Health and Safety Act 2011 (Cth)

### New South Wales

Work Health and Safety Act 2011 (NSW)

Anti-Discrimination Act 1977 (NSW)

Children and Young Persons (Care and Protection) Act 1998 (NSW)

Education Act 1990 (NSW)

Ombudsman Act 1974 (NSW)

Crimes Act 1900 (NSW)

## **Victoria**

Occupational Health and Safety Act 2004 (VIC)  
Disability Act 2006 (VIC)  
Human Services Standards Victoria 2012 (VIC)  
Equal Opportunity Act 2010 (VIC)  
Children Youth and Families Act 2005 (VIC)  
Charter of Human Rights and Responsibilities Act 2006 (VIC)  
Ombudsman Act 1973 (VIC)  
Crimes Act 1958 (VIC)

## **South Australia**

Guardianship and Administration Act 1993 (SA)  
Work Health and Safety Act 2012 (SA)  
Equal Opportunity Act 1984 (SA)  
Family and Community Services Act 1972 (SA)  
Children and Young People (Safety) Act 2017 (SA)  
Education Act 1972 (SA)  
Education and Early Childhood Services (Registration and Standards) Act 2011 (SA)  
Ombudsman Act 1972 (SA)  
Criminal Law Consolidation Act 1935 (SA)

## **Australian Capital Territory**

Work Health and Safety Act 2011 (ACT)  
Discrimination Act 1991 (ACT)  
Children and Young People Act 2008 (ACT)  
Human Rights Act 2004 (ACT)  
Ombudsman Act 1989 (ACT)  
Crimes Act 1900 (ACT)

## Appendix 1: PBS Guidance in Australian States and Territories.

The NDIS Quality and Safeguarding Commission oversees PBS in NDIS funded services. The Senior Practitioner leads the NDIS Commission's behaviour support function, and: oversees behaviour support practitioners and providers who use behaviour support strategies and restrictive practices, provides best-practice advice to practitioners, providers, participants, families, and carers, receives and reviews provider reports on the use of restrictive practices and follows up on reportable incidents that suggest there are unmet behaviour support needs. However, there is no nationally agreed Australian standards for PBS in all areas of support or specific legislation. NDIS services are guided by the Quality and Safeguarding Framework (2016), the NDIS (Restrictive Practices and Behaviour Support) Rules 2018 and the Quality and Safeguards Commission PBS Capability Framework (2019). Aspect bases its approach on the continually developing PBS research literature from the USA, UK, Australia and other countries. Guidance in schools often differs from disability-based provision.

Specific states and territory government services give guidance about good PBS practice or elements therein, especially in regards to Restrictive Practices. Links to guidance is provided below.

### *National NDIS Quality and Safeguarding Commission*

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

### *ACT Office of the Senior Practitioner*

Senior Practitioner Act 2018

Positive Behaviour Support Plan Guideline (2019)

Positive Behaviour Support Panel Guideline (2019)

<https://www.communityservices.act.gov.au/quality-complaints-and-regulation/office-of-the-senior-practitioner/guidelines>

### *Queensland Centre of Excellence for Behaviour Support*

<https://www.communities.qld.gov.au/disability/service-providers/centre-excellence/positive-behaviour-support/publications-resources>

### *New South Wales Department of Family and Community Services*

Restrictive Practices Authorisation Policy (2018)

Restrictive Practices Authorisation Procedural Guide (2018)

<https://www.facs.nsw.gov.au/providers/deliver-disability-services/restrictive-practices-authorisation-portal>

### *Victorian Government Behaviour Support planning toolkit & positive Practice framework*

<https://providers.dhhs.vic.gov.au/positive-practice-framework-word>

### *South Australia Disability Services Positive Behaviour Support framework*

<https://dhs.sa.gov.au/about-us/publications/disability-sa-policies-and-guidelines/safeguarding-people-with-disability>

*Western Australia Positive Behaviour Support*

[http://www.disability.wa.gov.au/disability-service-providers-/for-disability-service-providers/guidelines-and-policies/policies-relating-to-specific-types-of-services/#Behaviour Support](http://www.disability.wa.gov.au/disability-service-providers-/for-disability-service-providers/guidelines-and-policies/policies-relating-to-specific-types-of-services/#Behaviour%20Support)