

PHYSICAL RESTRAINT

FREQUENTLY ASKED QUESTIONS

Physical Restraint is a type of restrictive practice defined in a law called the Senior Practitioner Act 2018. This law applies to providers.

Physical Restraint is when another person uses physical force to stop a person moving all or part of their body because of behaviours of concern.

Behaviours of concern are behaviours that hurt the person or any other person.

Guiding or directing a person to keep them safe where the person can move away freely from the guidance or direction is not physical restraint.

Can I physically restrain someone who is verbally threatening harm?

No. Unless there is an immediate risk of harm to that person or any other person verbal threats of harm would not justify a physical restraint.

Would physical restraint be justified if a person was graffitiing a building?

No. If there is only damage to property and no serious harm to the person or to another person, then physical restraint would not be justified. Other de-escalation and redirection strategies should be attempted.

If a person is breaking windows, would physical restraint be justified?

No. Unless the person themselves or another person are at risk of physical harm from the behaviour physical restraint would not be justified.

Can a person running onto a road be physically restrained?

Yes. If there are no other options, you should stop a person from running onto a road in front of cars. The least restrictive option must be used for the shortest time possible. The physical restraint must stop as soon as the immediate danger for the person or others passes.

Can a person who is running away be physically restrained?

You need to try less restrictive options first. Alternatives to ensure that the person is monitored and re-engaged should be used in the first instance, along with proactive strategies to address the reason that they are running away.

How should staff respond to physical fighting?

If the people involved have existing strategies to deescalate their behaviour/s of concern, those strategies should be used. If the people involved have no history of behaviours of concern, general de-escalation strategies should be used.

Where de-escalation hasn't worked or there is no chance to use strategies (e.g. you are alerted to a fight already happening) staff need to use their professional judgment as to how best to respond.

Staff have a duty to protect the safety of all people in their care (including a person at risk of causing physical harm to themselves or others), themselves and other staff. Staff should only intervene if safe to do so and their actions must be reasonable and proportionate (least restrictive option and for the shortest amount of time) to the situation.

My organisation says that we have a 'no touch' policy. Does this mean that I am not allowed to physically restrain someone?

You are allowed to touch other people within the bounds of the law and their comfort and consent levels. Physical restraint can only be used in response to an imminent risk of serious harm, where there are no other less restrictive options available, and for the least amount of time required to ensure safety.

The person's Guardian or parent has said that I'm allowed to/not allowed to physically restrain the person. What guides my decision to restrain or not?

The law outlines when you are allowed to physically restrain a person. In the ACT consent is not required in order to use a restrictive practice for a person if the following criteria is met:

- in response to a behaviour of concern (situations of serious harm to self or harm to others) to avoid imminent serious harm to the person or others;
- as a last resort;
- for the shortest possible time;
- in the least restrictive way, and;
- it is used in accordance with a registered positive behaviour support plan, or;
- in an emergency situation/critical incident requiring an immediate response due to imminent serious harm to the person or others.

To understand more about the Senior Practitioner Act 2018, go to:

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