

## Fact Sheet: Understanding the use of restrictive practices in home care under the Aged Care Act

This fact sheet will provide information on restrictive practices for people receiving funded aged care services in a person's home under the [Aged Care Act 2024 \(Cth\)](#) (**Aged Care Act**).

A restrictive practice is a practice or intervention that restricts a person's rights or freedom of movement, and includes the use of medications, devices and physical force.

The Aged Care Act imposes obligations on providers that use restrictive practices when delivering funded aged care services in a home or community setting (**home care**), under the Aged Care Act.

The restrictive practice obligations in home care settings differ to those relating to aged care services delivered in a residential aged care facility. Further information on residential aged care is provided in our Fact Sheets, see [Legal Fact Sheets](#).

## What does a restrictive practice look like?

There are five types of restrictive practices as listed in the Aged Care Rules (currently in draft form), and these are:

1. **Chemical Restraint**, which is the use of medication or a chemical substance for the primary purpose of controlling a person's behaviour. Chemical restraint does not include medication for a diagnosed mental or physical conditions and illnesses, or end of life care. An example of a chemical restraint is giving a person a sedative to control their behaviour;
2. **Physical Restraint**, which is the use of physical force to prevent, restrict or subdue movement of a person's body, or part of a person's body for the primary purpose of controlling a person's behaviour. It does not include the use of a hands-on technique in a reflexive way to guide or redirect the person away from potential harm or injury if it could reasonably be considered to be the exercise of care towards the person. Examples could include physically blocking a person's access to an area or restraining the person to give medication;
3. **Mechanical Restraint**, which is the use of a device to prevent, restrict or subdue a care recipient's movement for the primary purpose of controlling a person's behaviour. Mechanical devices primarily used for approved medical, therapeutic or non-behavioural purposes, such as wheelchairs to increase mobility, or splints or casts for injuries, are not restraints. Examples of mechanical restraints include belts or harnesses that restrict a person's movement;
4. **Environmental Restraint**, which involves restricting a person's free access to all parts of their care environment (including items and activities) for the primary purpose of controlling a person's behaviour. Examples of environmental restraint include restricting a person from accessing rooms in their home, locking away a mobile phone, or preventing a person from watching TV, and
5. **Seclusion**, which involves the solitary confinement of a person in a room or a physical space where voluntary exit is prevented or not facilitated, for the primary purpose of controlling a person's behaviour. Examples of seclusion include locking a person in their room, directing a person to a specific area where the person believes they are not allowed to leave, or leaving a person in an area where the person is unable to leave and is left on their own.

## Requirements of a home care provider when using a restrictive practice

A home care provider can only apply a restrictive practice when;

- 1) the use of the restrictive practice is included in the person's Care and Services Plan; and
- 2) the use of the restrictive practice is in accordance with the information provided in the Care and Services Plan.

Details about the use of the restrictive practice must be documented as soon as practicable after the use of the practice.

## What is a Care and Services Plan?

A Care and Services Plan is a written document that must be prepared by the home care provider in consultation with the individual, the individual's supporters (if any), and any other persons involved in the care of the individual. It outlines the person's personal and clinical care requirements, including:

- a) the circumstances in which the restrictive practice may be used including the behaviours of concern, and,
- b) the manner in which the restrictive practice is to be used, including its duration, frequency and intended outcome.

A home care provider that uses a restrictive practice that is not in accordance with the Care and Services Plan must report the incident to the Aged Care Quality and Safety Commission.

A Provider may also have in place a Behaviour Support Plan, which may contain information on the person's care needs in relation to restrictive practices.

### Legal remedies for unlawful restrictive practices

Unauthorised use of a restrictive practice may be considered assault or false imprisonment and may give rise to civil or criminal actions in severe cases.

A person may seek an injunction from the courts to prevent the restraint from happening or continuing.

### What can you do if you or your loved one may have been restrained unlawfully?

- Make a complaint to the home care provider.
- Make a complaint to the [Aged Care Quality and Safety Commission](https://www.acqsc.gov.au/) (ACQSC).
- Contact [ACJ](https://www.acj.gov.au/) if you are unsure of your rights for a free legal consultation.



**Email:** [info@agedcarejustice.org.au](mailto:info@agedcarejustice.org.au)

**Call:** 0417 234 415

**Website:** [www.agedcarejustice.org.au](https://www.agedcarejustice.org.au)

## Contact Aged Care Justice if you would like a free legal consultation: