

# Can aged care residents freely move around in their environment?

## Fact Sheet: Limiting an aged care resident's access to areas and items as a form of environmental restraint in Victoria.

In Australia, an aged care resident (**Resident**) generally has the right to move around their aged care facility freely, except where there may be a risk of harm to the Resident or others.

Practices that restrict a Resident's free access to all parts of their environment for the primary purpose of influencing the Resident's behaviour, are known as 'environmental restraints'. This includes restricting access to items and activities. Environmental restraint is a 'restrictive practice' because its use restricts a person's rights or freedom of movement and can only be used as a last resort to prevent harm.

Restrictive practices are strictly regulated and aged care providers (**Providers**) are required to meet various obligations. This fact sheet applies to Victorian residential aged care services in an aged care facility (**Facility**), delivered under the [Aged Care Act 2024 \(Cth\)](#).

### This fact sheet will:

- Define environmental restraint;
- Explain the legal requirements that must be met by Providers to authorise and apply an environmental restraint, including in emergency situations;
- Define informed consent;
- Explain what you can do if you are concerned about the misuse of environmental restraint.

### What does environmental restraint look like?

A Resident's environment includes their room, any common areas within the aged care Facility, and any common grounds outside the Facility. It does not include areas within the Facility where a Resident would not normally be permitted, such as the kitchen, laundry, maintenance areas, medication storage areas, and other Residents' rooms.

Environmental restraint may involve restricting a Resident from accessing an area within their environment or an item or activity, such as locking away a mobile phone, or preventing a Resident from watching TV, attending an outing, or making a cup of tea.

#### Florence, age 89, aged care resident

Florence feels vulnerable at night, worried that people may enter her room. She asks for a lock to be fitted to her door so she can lock it when she's inside. The risks and benefits are discussed, as well strategies to reduce any risk, so Florence can make an informed decision. Strategies include the door unlocking when the handle is turned from the inside, Florence and staff having keys to the room and a process whereby staff check on Florence if in her room, and knock before entering.

**This is *not* environmental restraint.** Florence is able to leave her room freely and has full control over her environment.

**Jim, age 85, aged care resident.**

Jim has advanced dementia and has often tried to walk out of his Facility near the road. His family have placed him on waitlist for a secure Facility. In the meantime, the staff ask Jim's family if they can move him to a room where they can better prevent him from walking to the main foyer so he cannot reach the road. The family agree providing that Jim is still able to explore his environment when assisted by staff.

**This is environmental restraint** as Jim cannot access all parts of the common areas, and the Provider must follow certain requirements.

## What are the Provider's obligations in the use of environmental restraint?

### The Provider must be satisfied that:

- Environmental restraint is only used as a last resort to prevent harm to the Resident or other persons, and after consideration of the likely impact on the Resident;
- Alternative strategies are considered and used to the extent possible, and documented in the Resident's Behaviour Support Plan;
- The restraint is only used to the extent it is necessary and in proportion to the risk of harm to the Resident or other persons; is in the least restrictive form, and for the shortest time necessary to prevent harm;
- The restraint complies with the Resident's Behaviour Support Plan (and other relevant care plans), the [Aged Care Quality Standards](#), and is consistent with the [Statement of Rights](#).
- Informed consent to the use of the restraint has been obtained, except in an emergency (see below).

**The Provider must be satisfied that a health practitioner with day-to-day knowledge of the Resident has** assessed the Resident as posing a risk of harm to themselves or any other person; and assessed that the use of the environmental restraint is necessary.

### The Provider must document the following in the Resident's Behaviour Support Plan:

- The Resident's behaviour and assessments relevant to the use of environmental restraint.
- The alternative strategies that have been considered or used, including a record of any consultations with the Resident or their substitute decision maker discussing such strategies.
- Details of the environmental restraint, including duration, frequency and intended outcome, and how it is to be monitored, including the escalation process.
- Any engagement with persons other than the health practitioner in relation to the use or assessment of the environmental restraint (for example, dementia support specialists).
- A record of the informed consent obtained by the Provider from the Resident or their substitute decision maker, for the use of the environmental restraint.

## Responsibilities of the Provider while environmental restraint is being used:

- The use of the restraint is monitored, reviewed and documented in the Resident's Behaviour Support Plan.
- The Resident is monitored for signs of distress or harm, side effects, changes in mood or behaviour, including ability to engage in activities and to maintain independent function (to the extent possible).
- Consider if appropriate alternative strategies can be used, or changes to the environment could be made, for the restraint to be reduced or stopped.

## How is environmental restraint used in an emergency?

Environmental restraint can be used in an emergency as necessary, such as in a dangerous event that is unanticipated and requires immediate action. It does not require informed consent.

The environmental restraint must be in the least restrictive form, for the shortest period possible, and documented. The Provider must inform the Restrictive Practices Substitute Decision Maker as soon as practicable after the event, and document the Resident's behaviour, the alternatives considered or used, why the restraint was necessary, and the care provided.

## Who can consent to environmental restraint on behalf of a Resident?

- A decision to use environmental restraint requires informed consent by the individual receiving the restraint, or if they lack capacity, by a substitute decision maker.
- A Resident is presumed to have capacity to make their own decisions.
- Determining a person's capacity can be difficult, it may be appropriate to obtain an assessment by a suitably qualified medical practitioner.
- If a Resident does not have capacity to provide informed consent to the use of environmental restraint, consent must be obtained from a substitute decision maker.
- In Victoria, there is a hierarchy of persons who can be Restrictive Practices Substitute Decision Makers (**RPSDM**). [See our Fact Sheet on the RPSDM Act here.](#)

## What is ‘informed consent’?

A Resident or RPSDM must provide informed consent to the use of an environmental restraint. This requires the Provider to explain the reason for the use of the environmental restraint, the risks and benefits, the timeframe and intended outcomes, and any alternative options.

In addition, consent should be provided independently, free from duress, and involve the opportunity to review and ask questions.

Consent can be refused or withdrawn and is required each time an environmental restraint is proposed.

### Legal remedies for unlawful environmental restraint

- Unauthorised use of restraint may give rise to civil or criminal actions, and be considered assault or false imprisonment, 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 there is an inappropriate use of environmental restraint?

- Make a complaint to the Provider
- Make a complaint to the [Aged Care Quality and Safety Commission](#) (ACQSC).
- Contact [ACJ](#) if you are unsure of your rights for a free legal consultation.

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

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

Phone: 0417 234 415

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

**DISCLAIMER:** This fact sheet is for general information purposes only and does not represent legal advice. As it is not intended to be comprehensive in relation to the topic, other inclusions or exemptions may apply. The law and policy referred to in this document was in force on the 01/11/2025. Scenarios on first page are fictional.