



# COVID-19 Vaccination and Restrictive Practices

Version 2, July 2021

## Key points

- Receiving the COVID-19 vaccination is voluntary.
- Participants must be given the opportunity to provide informed consent for any medical treatments or procedures, including the COVID-19 vaccine.
- The NDIS Commission regulates and oversees the use of restrictive practices with NDIS participants.
- NDIS providers should collaborate with, and assist the Australian Department of Health contracted COVID-19 vaccination providers by providing relevant health-care information and/ or behaviour support plans, and rostering support staff to enable the safe administration of the vaccine.
- NDIS providers should prepare participants in advance of receiving the COVID-19 vaccine, and assist vaccination providers to administer the vaccination as appropriate.
- If NDIS providers use regulated restrictive practices to enable a participant to receive the COVID-19 vaccination, the regulated restrictive practice must be used according to the participant's behaviour support plan and be authorised by the State or Territory authorisation process.
- During the administration of the COVID-19 vaccine, if a regulated restrictive practice is used that is not in a participant's behaviour support plan and/or does not have current authorisation from your state or territory, it is a reportable incident to the NDIS Commission.
- The National Disability Insurance Agency (NDIA) have added temporary support measures to help NDIS participants in supported independent living (SIL) to access the COVID-19 vaccination. Please see the [latest advice from the NDIA](#).

## Considerations for participants

- Engage and communicate regularly with participants about the COVID-19 vaccination. Inform participants about the purpose of the COVID-19 vaccination and where appropriate, it will be useful to have a person that a participant is most familiar with or trust (such as a family member/guardian, a participant's friend or a particular staff member) to be involved in informing the participant.

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- Consider key concerns the participant may have, such as the participant may have anxiety or aversion to injections for a range of reasons, including past experience with medical procedures or aversion to pain.
  - Think about how and what strategies can be put in place to alleviate the participant's anxiety by seeking advice from a family member/guardian, the local GP, the NDIS behaviour support practitioner or staff members' who are most familiar with the participant.
  - If there is a known medical history of allergic reaction, it is important that the participant seek advice from their GP or specialist medical practitioner to understand the risks and benefits of getting the COVID-19 vaccine.
  - If there is a known history of aversion to pain or medical procedures, it is important that the participant seek advice from their family member/guardian, GP or specialist medical practitioner on how to address the participant's concern.
  - Participants who are taking medication should also discuss this with their GP or specialist medical practitioner prior to vaccination.

### Supporting participants prior to COVID-19 vaccination

- NDIS providers play an important role in preparing participants to receive the vaccination. For example, the Department of Health has developed [a series of Easy Read fact sheets about COVID-19 vaccines](#).
- It is recommended that the COVID-19 vaccination procedure is explained to participants in a positive, proactive way. This could include using social stories, role-play, or rehearsing regularly with participants.
- Encourage the participant to bring with them something that is comforting for them (such as the participant's favourite music, a stress ball, or an iPad or a similar device to watch a movie or listening to music).
- Repetition and rehearsing may reduce a participant's concern or anxiety.
- It may be useful to consider motivational activities if it is appropriate, such as doing a rewarding activity after the administration of the vaccine.
- Ask participants who they would like to support them on the day of and during the vaccination procedure.
- If a participant receives behaviour support services, their behaviour support practitioner may be able to provide advice regarding strategies to assist the participant with reduced anxiety.
- It may also be useful to explain to participants that they may experience potential side-effects, such as a fever or discomfort on the arm.

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- This factsheet has more general information about behaviour support and restrictive practices in the COVID-19 context: [Managing behaviours of concern and new or increased restrictive practices during COVID-19 isolation](#).
  - NDIS providers are strongly encouraged to collaborate with and assist the Australian Department of Health contracted COVID19 vaccination providers by providing relevant health-care information and or behaviour support plans, and rostering support staff to enable the safe administration of the vaccination.

## Informed consent

- The COVID-19 vaccination is voluntary.
- Informed consent must be sought from participants, their person responsible or guardian prior to vaccination.
- Refer to the relevant State or Territory guidelines regarding consent for medical procedures.
- Consider offering the participant an independent support person to facilitate informed decision-making.
- It is recommended to have a written record of participant's consent or refusal to consent.
- Further advice about obtaining informed consent for the COVID-19 vaccine is in the [Australian Government Department of Health: Disability Provider Alert - 24 February 2021 | NDIS Quality and Safeguards Commission \(ndiscommission.gov.au\)](#).

## Your obligations

As an NDIS provider, you have obligations under the NDIS Code of Conduct and the NDIS Practice Standards, as well as your conditions of registration, that relate to the delivery of safe, quality supports and services, and the management of risks associated with the supports you provide to NDIS participants. You should:

- Be aware of the population groups and chronic conditions associated with increased risk of Covid-19 related complications.
- Identify participants who are at increased risk of Covid-19-related complications and strongly encourage all carers, staff, participants and family members to consider getting the Covid-19 vaccination as soon as possible.
- Reinforce hygiene practices especially hand-hygiene, the use of face-masks, and respiratory/cough etiquette in addition to vaccination.

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## Regulated Restrictive Practices

- A restrictive practice is ‘any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with disability’.
- The [Regulated Restrictive Practices Guide](#) provides further guidance on the definition of regulated restrictive practices.
- NDIS providers may question whether they are using regulated restrictive practice to enable an NDIS participant to receive a vaccine.
- The decision to use a regulated restrictive practice needs careful clinical and ethical consideration, taking into account a person’s human rights and the right to self-determination.
- NDIS providers must review the definitions of the five types of regulated restrictive practices under the [National Disability Insurance Scheme \(Restrictive Practices and Behaviour Support\) Rules 2018](#) to identify whether practices being used with a participant to support them receiving a vaccination meet the definition of a regulated restrictive practice.
- In the context of vaccine delivery, the regulated restrictive practices most likely to be encountered will fall under the definitions of **chemical**, **physical** and/or **mechanical** restraint.
- An NDIS provider using regulated restrictive practices with a participant must comply with the conditions of registration outlined in the [National Disability Insurance Scheme \(Restrictive Practices and Behaviour Support\) Rules 2018](#) which includes:
  - Not using any practice that is prohibited by the relevant State and Territory
  - Only using restrictive practices as last resort, be the least restrictive response, used for the shortest possible time, reduce the risk of harm and be in proportion to any potential negative consequence.
  - Only using restrictive practices in accordance with State and Territory authorisation processes and a behaviour support plan
  - Reporting to the NDIS Commission on the use of restrictive practices.

## Pre-appointment medication

- Some NDIS participants are prescribed medication to take prior to medical appointments, including vaccinations, to assist with reducing anxiety or agitation.
- **Chemical restraint** is “the use of medication of chemical substance for the primary purpose of influencing a person’s behaviour”. However, “it does not include the use of medication prescribed by a medical practitioner for the treatment of, or to enable treatment of, a diagnosed mental disorder, a physical illness or a physical condition.”
- For this reason, the use of pre-appointment medication is unlikely to meet the definition of a restrictive practice, and is not subject to any reporting requirements to the NDIS Commission.

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- The participant’s medical practitioner must prescribe pre-appointment medication for this purpose. The participant must also be given the opportunity to provide informed consent to the pre-appointment medication.
  - NDIS providers supporting participants prior to their vaccination should assist the participant to answer any pre-vaccination questions, including regarding any pre-appointment medication.

### Other regulated restrictive practices

- The use of a physical or mechanical restraint to enable a participant to receive a vaccination is likely to be considered a regulated restrictive practice.
- If a regulated restrictive practice is used to enable a participant to receive a medical procedure (including vaccines):
  - The participant must have a behaviour support plan which covers the use of the regulated restrictive practice, and
  - The restrictive practices must be authorised in accordance with any state or territory requirements and evidence provided to the NDIS Commission.
- However if a regulated restrictive practice is used, but is not detailed in a behaviour support plan, the NDIS provider must:
  - notify the NDIS Commission of the use as it is a reportable incident under the [National Disability Insurance Scheme \(Incident Management and Reportable Incidents\) Rules 2018](#); and
  - take all reasonable steps to [facilitate the development of a behaviour support plan](#) by a specialist behaviour support provider.

### Authorisation requirements

- The [National Disability Insurance Scheme \(Restrictive Practices and Behaviour Support\) Rules 2018](#) requires that where a State or Territory has an authorisation process, NDIS providers (who use restrictive practices in the course of delivering NDIS supports) must provide evidence of authorisation to the NDIS Commission as soon as practicable after the use of a restrictive practice.
- NDIS providers are required to obtain informed consent and authorisation for the use of restrictive practices in accordance with the relevant state or territory requirements.
- There are some differences in State and Territory authorisation processes.
- NDIS providers should confirm the authorisation and consent requirements directly with the relevant State or Territory authorisation agency. Refer to the links below for further information.
  - [ACT Office of the Senior Practitioner](#)
  - [NSW Department of Communities and Justice](#)

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- [NT Department of Health](#)
  - [QLD Department of Communities, Disability Services and Seniors](#)
  - [SA Office of the Public Advocate](#)
  - [Department of Communities Tasmania](#)
  - [VIC Department of Health and Human Services](#)
  - [WA Department of Communities](#)

### Information for COVID-19 vaccination providers

- Healthcare providers have been contracted by the Commonwealth Government to deliver vaccines to certain cohorts of people with disability, including NDIS participants.
- These healthcare providers are not NDIS providers and are not subject to the same reporting requirements as NDIS providers.
- Vaccine providers may not be authorised to use regulated restrictive practices during the course of vaccine delivery.
- It is good practice for NDIS providers to share a participant's relevant health and medical information with COVID-19 vaccination providers to support the safe and effective administration of the vaccine. This may include information about a participant's behaviours of concern.
- If a person with disability is uncertain, hesitant or anxious about receiving the vaccine, there are a number of proactive person-centred strategies that can be used to reduce any behaviours and support them to safely receive the vaccine.
- If positive approaches are not supporting the person with a disability to reduce their anxiety about having the vaccine, they have the right to withdraw consent to any medical procedure, at any time.
- If there are any further concerns, please send an email to [behavioursupport@ndiscommission.gov.au](mailto:behavioursupport@ndiscommission.gov.au). This inbox is monitored daily during business hours (Australian Eastern Standard Time).