

**GUIDANCE ON APPLYING TO BECOME A GUARDIAN  
WITH A RESTRICTIVE PRACTICE FUNCTION**

*Residential Aged Care*





## **Guidance on applying to NSW Civil and Administrative Tribunal (NCAT) to become a Guardian with a Restrictive Practice function**

This information sheet is being provided to you because you are required to apply to NCAT to become a Guardian with a Restrictive Practices function.

### **What is a restrictive practice?**

A Restrictive Practice is any practice or intervention that has the effect of restricting the rights or freedom of movement of the person. Restrictive practices aim to address behaviour issues and minimise harm; they do not aim to treat a medical condition. For that reason, they are not considered a form of medical treatment under the Guardianship Act 1987 (NSW).

If a resident requires restrictive practices, Catholic Healthcare will only use them as a last resort. Restraints will be used in accordance with a Behaviour Support Plan, and alternative strategies will be sought and used alongside the restrictive practice. The Home will continue to work towards reducing and eliminating the use of restrictive practices wherever possible.

### **Why you need to make an application?**

If a resident does not have decision making capacity, only a nominated guardian with a Restrictive Practices Function can provide consent for the use of restrictive practices from 1 December 2024. This means, a Guardianship Document or Guardianship Order must specifically include a Restrictive Practice Function.

## Application Process and Supporting Documents

As we are required to have a Guardian with a Restrictive Practice Function recorded in our files as soon as possible, we require that you make an Application to the Guardianship Division of NCAT.

Please read the [Guardianship Division application process](#) on the NCAT website for all the relevant information and forms needed.

We are happy to help you with these forms, or for you to obtain your own independent legal advice.

## Supporting Documents

When applying to NCAT you will require supporting documents from a medical professional, such as the older persons GP or Geriatrician. The documentation will need to include the following information:

- The older person's diagnosis.
- The older person's decision making capacity.
- The nature of restraint proposed.
- Whether the primary role of the restraint is to change the person's behaviour rather than treat a medical condition.
- How and when the restrictive practice will be used.
- Any possible side effects.
- The older person's current medications.

Please provide the Health Professional with a [Health Professional Report Form](#) to complete, or they can complete a report of their own.

The Home will also need to supply you with supporting documentation about the restrictive practices proposed. Please ask your Residential Manager for this information.

## Links and Helpful Information

We encourage you to read the following further information:

[NCAT Guardianship Factsheet](#)

[Now you are a Guardian](#)

[Overview of Restrictive Practices](#)

## When should I make this application?

As we are required to have a Guardian with a restrictive practice function recorded in our files for all residents with restrictive practice we require that you make an application to NCAT seeking a restrictive practices function as soon as possible. An application must be made for the admission to progress from respite to permanent care.

Please contact the Admissions Team on 1800 225 474 with any questions about the application process and for any assistance with the paperwork.

Please contact the Residential Manager of the Home if you have any questions about the restrictive practice interventions currently in place.

More information contact  
**1800 225 474**  
[catholichealthcare.com.au](http://catholichealthcare.com.au)