

This document outlines for Community Living British Columbia (CLBC) staff and service providers the specific conditions under which exemptions from the [Critical Incidents Policy](#) requirement to report use of restricted practices are allowed. Restricted practices include restriction of rights and restraint (i.e., environmental, mechanical, physical), as defined in the [Behaviour Support and Safety Planning Policy](#).

This framework allows exemptions for the purpose of reducing the volume of Critical Incident Reporting when specific criteria are met, **and** when CLBC approves. The framework provides details on:

- Requirements for requesting an exemption to Critical incident Reporting
- The exemption process
- Documentation, reporting, and tracking requirements

The *Critical Incidents – Restricted Practice Exemption Framework* should be reviewed together with the:

- [Critical Incidents Policy](#),
- [Critical Incidents: Service Provider Requirement Guide](#) or the *Critical Incidents Procedures and Practice Guide for CLBC Staff*,
- [Behaviour Support and Safety Planning Policy](#), and
- [Behaviour Support and Safety Planning: A Guide for Service Providers](#).

### Exemption Framework

CLBC's *Critical Incidents Policy* requires service providers to submit a critical incident report any time a restricted practice is used, as defined in the *Appendix: Critical Incident Types*. Use of restricted practice must be reported as a critical incident even when reflected in an authorized Safety Plan.

An exemption to Critical Incident Reporting may **only** be approved when this framework is followed. Service providers continue to comply with reporting requirements outlined in the *Critical Incidents Policy* until the request for exemption process is complete and the exemption is approved.

- Only the restricted practices identified and approved under the exemption framework are subject to the reporting exemption. Use of all other restricted practices included in the Safety Plan, those reflected in Temporary Safety Plans, or those used in the event of an emergency **must** be reported to CLBC as a critical incident.
- Exemption from critical incident reporting may only be requested as per the parameters of this framework, and under the conditions outlined on the *Critical Incidents: Request For Exemption Form*.

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#### Policy Framework

## Requirements for a Restricted Practice to be Considered for Exemption

**Category 1:** High episodic use of the restricted practice is required to ensure safety associated with a behavioural escalation cycle, as per the authorized Safety Plan.

Category 1 exemptions often benefit from *additional reporting* to CLBC regarding the frequency with which the restricted practice is used, as well as progress made on fading the practice.

To request an exemption under this category **all** conditions listed on the *Critical Incidents: Request for Exemption Form* must be met, unless identified as not applicable:

- The critical and unsafe behaviour is of such intensity, frequency, or duration that the physical safety of the individual or others is likely to be placed in danger.
- Use of the restricted practice occurs frequently, i.e. 6 or more times per week.
- All staff working with the individual receive behavioural skills training on the approaches outlined in the Behaviour Support Plan and Safety Plan. If the request is for physical restraint, all staff utilizing these techniques have completed training from a certified physical response program such as MANDT or Non-Violent Crisis Intervention Training.
- Use of physical or mechanical restraints is authorized in writing by a medical practitioner or nurse practitioner.
- There are a Behaviour Support Plan, and an authorized Safety Plan in place that meet the requirements outlined in the [Behaviour Support and Safety Planning Policy](#) and *Behaviour Support and Safety Planning: A Guide for Service Providers*.
- The Safety Plan identifies what data is collected, how it is tracked, and how frequently it is provided to the Behavioural Consultant for review.

Examples are:

- Use of environmental restraint, such as temporary containment
- Physical restraint
- Use of a mechanical restraint such as arm braces, helmets, or gloves

**Category 2:** Frequent use of restricted practice irrespective of the behavioural escalation cycle, as per the authorized Safety Plan.

Category 2 includes restricted practices used to prevent a critical and unsafe behaviour, and not used in response to a behavioural escalation.

To request an exemption under this category, **all** conditions listed on the *Critical Incidents: Request for Exemption Form* must be met, unless identified as not applicable:

- The critical and unsafe behaviour is likely to place the individual or others in danger if it were to occur without the restricted practice in place.
- Use of the restricted practice occurs frequently, i.e. 6 or more times per week.

- All staff working with the individual have received behavioural skills training on the approaches outlined in the Behaviour Support Plan and the Safety Plan.
- Use of mechanical restraints is authorized in writing by a medical practitioner or nurse practitioner.
- There are a Behaviour Support Plan and an authorized Safety Plan in place that meet the requirements outlined in the [Behaviour Support and Safety Planning Policy](#) and [Behaviour Support and Safety Planning: A Guide for Service Providers](#).

Examples include regular use of:

- Mechanical restraints such as vehicle safety vest, or specialised seat belt
- Environmental restraints such as locks on a cupboard, doors, or gates that limit free access to the individual's environment or belongings
- Restriction of rights, such as electronic surveillance (i.e.: audio/video monitoring)

Category 2 **does not** include:

- Temporary containment
- Physical restraint

## Exemption Procedures

Service Providers and Behavioural Consultants work together to apply for an exemption by submitting one request to their CLBC Analyst accompanied by other supporting documentation as required. The involved CLBC Integrated Services Manager will review the request and **approve or deny** the exemption. Critical Incident Exemptions require renewal and re-authorization from CLBC **every 6 months** if still required.

Typically, requests are made as part of the Safety Plan review process outlined in the *Behaviour Support and Safety Planning Policy* and *Behaviour Support and Safety Planning: A Guide for Service Providers*, and efforts should be made to submit exemption requests along with submission of the *Safety Plan: 6-Month Review Form*.

Collaborative planning with involved partners should occur during the exemption period to understand the issues or needs contributing to the frequency of behavioural escalations, and/or the use of a restricted practice. Action Items **must** be clearly identified on the *Safety Plan: 6-Month Review Form*, along with any plan to request a renewed exemption.

Category 1 exemptions require careful consideration prior to submitting a request to CLBC, because a pattern of frequent escalation can indicate the individual is experiencing distress on a regular basis. Efforts must be made to ensure:

- The function of behaviour is correctly understood,
- The approaches in the Behaviour Support Plan are sufficient to meet the individual's needs, and
- The service provider and involved staff have the skills required to implement the Behaviour Support Plan consistently.

A request for an initial or renewed exemption to Critical Incident Reporting is **not recommended** when:

- The current restricted practice is not effective in ensuring safety.
- The individual or others were injured or harmed as a result of the behaviour and/or the use of a restricted practice.
- The frequency or duration with which the use of the restricted practice has increased, so a review of planning and implementation is required.
- Staff training and/or skill development is required to ensure effective application of the Behaviour Support Plan.
- Current or historical concerns of abuse or neglect towards the individual within the program or service environment.

### Requests for Exemption – Documentation

There are two types of requests for exemption:

1. Initial request for exemption, and
2. Request for renewal of exemption.

Each type of request must be submitted to CLBC for review and an authorization decision by the Integrated Services Manager.

Both types of requests can be submitted using either the *Critical Incidents: Request for Exemption Form* or another format containing **all** the same information.

A request for exemption must be accompanied by either:

- A Safety Plan being submitted for CLBC's authorization, or
- *Safety Plan: 6-Month Review Form*.

*NOTE: The request for exemption can refer to more than one restricted practice, if applicable. When the request for exemption pertains to more than one restricted practice, only one request needs to be completed. The request must include required information for each of the restricted practices.*

### Additional Reporting

Additional Reporting may be requested by CLBC or recommended by the Behavioural Consultant at any time. This reporting may identify other types of data to be shared with key partners, more frequent submission of the *Safety Plan: 6-Month Review Form*, and/or summary reports to be submitted according to a schedule (e.g. weekly, monthly, etc.), or by having a summary available upon request, as the situation dictates.

### Tracking of Restricted Practices Approved for Exemption Under the *Critical Incidents: Restricted Practice Exemption Framework*

Service providers are required to track, review, and analyze any use of restricted practices that are approved for exemption from critical incident reporting. This data informs the *Safety Plan: 6-*

### **Policy Framework**

*Month Review*, with guidance from the Behavioural Consultant. This requirement ensures these practices are monitored closely to oversee staff performance and learning needs, and ensure the practices are only used in accordance with the parameters outlined in the authorized Safety Plan, and in alignment with the *Behaviour Support and Safety Planning Policy*, and *Behaviour Support and Safety Planning: A Guide for Service Providers*.