

Review of 'Best Practice Guidelines in the use of Physical Restraint: (Child Care: Residential Units)'



Purpose

This report is a review of the 2006 'Best Practice Guidelines in the Use of Physical Restraint (Child Care: Residential Units)'. These guidelines were endorsed by the Health Service Executive, Department of Education and Science, Social Services Inspectorate and the Special Residential Services Board. The guidelines were intended to inform best practice and also to address concerns expressed by practitioners. The overall aim of the guidelines was to provide guidance in circumstances where a child or young person's behaviour presented a serious risk of harm.

The Children Acts Advisory Board undertook to carry out the review with a steering group comprising representatives from the key agencies. The main objective of the steering group was to carry out a short review of the guidelines, to establish whether any amendments were required and to identify any key issues arising in the operational implementation. See Appendix One.

Since 2006, there has been a number of legal and policy

changes including agency re-structuring at a national and local level. See Appendix Two.

The steering group noted a number of both national and international reports and publications. See Appendix Three.

The guidelines are founded on a number of principles:

- (i) Physical Restraint should be a safety intervention. It should not become part of routine behaviour management nor should it be used to ensure compliance.
- (ii) Each residential centre should have an ethos, policy and practice that minimises the use of physical restraint.
- (iii) The commitment to minimising the use of physical restraint is supported by statutory inspection, independent monitoring of overall use of restraint and access to independent advocacy support for children and young people in residential centres.



Key Review Outcomes

General:

1. The guidelines should remain intact without amendment - with a renewed commitment to their full implementation; they should be subject to biennial review.
2. The guidelines are sufficiently robust and set out the key areas where guidance on the issues of physical restraint are/may be an issue in the delivery of child care residential services.
3. The issue of operational delivery is a matter for residential care managers and directors of children detention schools encompassing policy, practice and monitoring. However, there should be a particular focus on understanding the environment surrounding the requirement to use physical restraint on children and young people, while taking into account the protection of staff delivering services.
4. Inspections carried out by the Social Service Inspectorate have found uneven awareness of the guidelines and some instances of intervention, such as physically escorting young people, not being qualified as physical intervention and recorded as such. There is a requirement to have a consistency in application and recording.
5. There have been no recorded incidents reported to the Social Services Inspectorate of serious injuries to children and young people who were the subjects of physical restraint while in residential care since the guidelines were originally published in 2006. However, inspections have found situations where children and young people have complained of being hurt during restraints and not being offered medical treatment, consistent with paragraph 11.2. (Duty of Care During and After a Restraint) of the guidelines.

Policy:

6. The policies and practices should be reviewed by both policy makers and practitioners at regular intervals to ensure there is a best fit in dealing with the implementation of policy in the use of physical restraint.
7. The availability of relevant and timely statistics in the use of physical restraint (with relevant commentary) in the application of these guidelines needs to be addressed at a national policy level by the relevant agencies. In a selection of reports examined, there were difficulties in analysing records of incidents as differing recording methods are used.
8. The Social Services Inspectorate may wish to consider commenting (on a yearly basis) on the recorded incidents of physical restraint with the relevant agencies based on agreed and established criteria, following on inspection reports covering their statutory brief.
9. An independent impact study of these guidelines (in the use of physical restraint in residential centres) should be considered in the future by the Office of the Minister for Children and Youth Affairs.
10. The Health Service Executive (HSE) and Irish Youth Justice Service (IYJS) should review policy on the recording and the monitoring of incidents of physical restraint (Appendix 4 of the guidelines – Serious Incident Review and Response Process applies).
11. The HSE and IYJS should review practices based on relevant statistics with a view to identifying trends and promoting effective practice in dealing with (and minimising) incidents of physical restraints.
12. There is an operational requirement to have a practical understanding of Absence without Permission (13.3 & 13.4) that involves the engagement of both the inspectorate and the service providers.



Practice:

13. Training in the use of physical restraint based on an agreed programme should be reviewed and updated, as necessary, to ensure a consistency of approach and that the approved method in use is appropriate to the client group and consistent with legislation, children's rights and national guidelines.
14. The training of staff assigned to residential centres should involve a cross disciplinary commitment to ensure effective practice and to promote a consistency of approach (for example, social care and teaching staff).

Appendix 1: Membership of Steering Committee

- Mr. Finbarr O'Leary, Deputy Chief Executive, CAAB (chair)
- Mr. Tony O' Donovan, Child Welfare Adviser, Irish Youth Justice Service
- Mr. Andrew Fagan, Inspector Manager, HIQA, Social Services Inspectorate
- Ms. Siobhan Keogh, HSE Dublin Mid Leinster, Monitoring Officer, Mullingar
- Ms. Enda Fulham, Director, HSE Dublin Mid Leinster, Ballydowd Special Care Unit, Dublin 20
- Mr. Liam Hickey, Director, HSE, St. Joseph's School, Clonmel, Co. Tipperary
- Mr. Willie Brazil, HSE South Unit Manager & Chair, National TCI Coordinators Network, Cork
- Mr. Michael Travers, Senior Inspector, Department of Education and Science,
- Mr. Stephen McCarthy, Education Officer, City of Dublin Vocational Education Committee (VEC)
- Ms. Deirdre Keyes, Education Officer, Dublin County VEC
- Mr. Jim McGuirk, Advisory Officer, CAAB

Appendix 2: Legal and Policy Changes

- A new Office for the Minister for Children (and Youth Affairs) in the Department of Health and Children was established in December 2005, to improve the lives of children under the National Children's Strategy and bring greater coherence to policy-making for children.

- The transfer of responsibility for the detention of young offenders from the Department of Education and Science to the Department of Justice, Equality and Law Reform, following a review of the Irish Youth Justice System.
- The Irish Youth Justice Service (an executive agency of the Department of Justice, Equality and Law Reform) was set up in December 2005, to restructure the youth justice service into a modern and streamlined service.
- The HSE established a National Office of Special Care and High Support (2006), to coordinate and review the effectiveness of both mainstream residential and other specialised units.
- The Social Services Inspectorate (SSI) was established on a statutory basis within the Health Information and Quality Authority by the Health Act 2007.
- The Social Services Inspectorate commenced the inspection of Children Detention Schools at the invitation of the Minister for Justice, Equality and Law Reform (s.185 Children Act 2001 (as substituted by s.151 Criminal Justice Act 2006) refers).
- The Special Residential Services Board was replaced by the Children Acts Advisory Board in July 2007 with additional functions covering both the Child Care Act 1991 and Children Act 2001 (both as amended).
- The Vocational Educational Committees were assigned responsibility for the delivery of education services to Children Detention Schools, following the review of the Irish Youth Justice System (2005).
- The Department of Education and Science were assigned overall responsibility for the delivery of educational services to children and young people placed in residential centres.



- The Department of Education and Science are due to publish an overarching strategy on educational services for offending children, namely, 'Education Strategy for Children Detention Schools'.
- Key legislative amendments were made to the Child Care Act 1991 (by the Child Care (Amendment) Act 2007) and the Children Act 2001 (by the Criminal Justice Act 2006).
- A Child Care (Amendment) Bill 2009 was published in September 2009 dealing primarily with a special care statutory scheme but included the formal dissolution of the Children Acts Advisory Board.

Appendix 3: Reports and Publications

National Reports

The Working Group noted a HSE report on a strategy for managing work-related aggression and violence within the Irish Health Service '*Linking Service and Safety: Together Creating Safer Places of Service*' (published June 2009). The publication defines physical intervention, but excludes the functional physical contacts customarily involved in care delivery. However, the key recommendations have a generic bearing on physical restraint, as follows, (i) minimising physical interventions, (ii) safety of physical interventions, (ii) regulation of physical intervention, and (iv) physical interventions guidance (p54-p57).

National Standards

National Standards (National Standards for Children's Residential Centres 2001, and National Standards for Special Care 2001).

National Publication

Kilkelly, U., *Children's Rights in Ireland: Law, Policy and Practice* (2009) Tottel Publishing

Other Reports (international):

The following U.K. reports were noted:

- Lord Carlile QC of Berriew carried-out an independent enquiry into the use of physical restraint, solitary confinement and forcible strip searching of children in prisons, secure training centres and local authority secure children's homes ((known as the Carlile Report). This was published by The Howard League for Penal Reform, UK (2006).
- Smallridge (P) and Williamson (A) carried out a report on an 'Independent Review of Restraint in Juvenile Secure Settings', published in 2008 which was sponsored by the Ministry of Justice, UK.
- Children Matter Taskforce (reported 2008) 'Regional Review of Residential Child Care Services' – Protocol on the Use of Physical Restraint in Children's Residential Homes – Department of Health, Social Services and Public Safety, Northern Ireland.

For more information:

- ✓ Please refer to www.caab.ie to view the full report 'Best Practice Guidelines in the Use of Physical Restraint (Child Care: Residential Units), April 2006

