

Use of Restraint Guide

Know your
rights and have
your say about
your mental
health care
and treatment.

What is restraint?

If care staff assess you to be at risk to yourself or others, physical interventions may be used to manage your behaviour – this is called restraint.

During a mental health crisis, you may become frightened and extremely distressed. Sometimes this may lead you to behaving in a way that poses a risk either to yourself or others. This could lead you to behave aggressively or refuse treatment.

Restraints are most often used in a hospital or other care setting, where you or others could be at risk. There is a need to balance any potential risks with your individual freedom. This is why restraint should only be used as a last resort, when there's no other way of stopping you from harming yourself or others.

Being restrained can be frightening, potentially dangerous and undignified, and that's why we believe it should always be viewed as a last resort, except in situations where urgent action is needed.

What this guidance is about:

Should you find yourself in a situation where you have been restrained during your stay in hospital we aim to help you understand:

- Your rights.
- How you can expect to be treated.
- Subsequent actions you may wish to take.

How should you expect to be treated if you are being restrained?

1. First and foremost, restraint should only be carried out if it is in your best interests. When it comes to your freedom, any restraint must be the least restrictive, and be for the shortest amount of time.

2. Interventions should take into account your past and present wishes. Where possible, your wishes and the views of other relevant parties including carers, your close family or friends should be fully considered before any action is taken. An advance statement (see separate advance statement guide) can be helpful to ensure this happens.

3. Alternatives to physical restraint should always be considered by staff.

When is restraint not justified?

Restraint must never be used by staff as a threat in order to control your behaviour. It should not be used as a punishment. Nor should it be used to save staff time - your care is best carried out through conversation and human contact. Restraint should never be used to cover a lack of staff, professional skills or inadequacies in the place you are receiving treatment. Restraint which is excessive or unnecessary could be deemed an assault as well as a breach of your human rights. In such cases, those involved could face criminal prosecution.

Your right to complain

If you are concerned about the way you have been restrained you have the right to complain. In the first instance, you can discuss how you feel with the ward manager if you are in hospital, or the care manager in any other setting.

You may also wish to seek the support of an independent advocate, who can help you to express your views and concerns. However, if you are still unhappy with the response, you have the right to make a formal complaint to hospital care managers. Staff should be able to give you information to proceed with any complaint you wish to make.

If you are restrained, what can you expect?

Before restraint is used, staff should spend time with you discussing why you might be acting in a way that is causing concern.

If your behaviour regularly poses a risk to you and/or others, staff may wish to plan ahead for the next time this may happen. In making such a plan about possible future restraint, they should talk to you and all other interested parties such as your family, social worker or care home worker.

Occasionally staff may use unplanned restraint. This can happen unexpectedly in order to prevent harm to you or those around you. In such circumstances, you can expect to receive a full explanation and any support you need as soon as reasonably possible afterwards.

When restraint is used, you must always be given an explanation that you can understand. Staff should share the reasons for the restraint, and if it is planned, how it will be carried out and for how long, and which staff will be available during the period of restraint.

Restraint procedures

Restraint procedures should only be used by staff who have been trained in both restrictive and non-restrictive methods of care. You and your relatives should be able to ask how staff are trained and what that training involves.

If a decision is made to restrain you, the staff making that decision will have to follow legal procedures under the Mental Health (Care and Treatment) (Scotland) Act 2003.

You would automatically have the right to legal representation, have access to independent advocacy and would have the right to appeal. Ward staff and your Mental Health Officer should provide you with more information on this process and your local advocacy service.

Advance Statement

Writing an advance statement during a period of mental wellbeing is a good way for you to plan possible future treatment. It could include your views on the type of intervention you would wish, or be prepared to receive, in the future if become mentally unwell and may need to be restrained. You may find discussing this option with staff helpful at a time when you are well.

To find out more, please see our Advance Statement guide.

As a person with a mental illness or learning disability, during your care, treatment and support you have the same rights as others to:

- Be treated with dignity and respect for your privacy, beliefs and individual needs.
- Not be discriminated against.
- Be given opportunities to use and develop your skills.
- Receive information about and be involved as much as possible in any assessment, planning and decision making about your care and treatment.
- Access the support of an independent advocate.
- Have your choices respected and taken fully into account.
- Involve relatives, friends or carers who are important to you in your care, who will be provided with the information they need.
- Receive care, treatment and support that benefits you and is the least restrictive option.
- Access information and help to challenge any restrictions placed upon you.
- Be kept safe and protected.

More information, as well as further downloadable guides, are available on our website: www.mwcscot.org.uk

More detailed information on this topic can be found in our Good Practice Guide on Rights, Risks and Limits to Freedom.

You can contact our advice line for service users and carers on: **0800 389 6809** or **0131 313 8777**.