

Regional Policy on the Use of Restrictive
Practices in Health and Social Care Settings
And
Regional Operational Procedure for the Use of
Seclusion

Consultation Document

Introduction

1. We would welcome your views on the draft Regional Policy on the Use of Restrictive Practices in Health and Social Care Settings and Regional Operational Procedure for the Use of Seclusion.

Background

2. In August 2005, the Human Rights Working Group on Restraint and Seclusion issued *Guidance on Restraint and Seclusion in Health and Personal Social Services*. The working group was commissioned by the then Department of Health, Social Services and Public Safety (DHSSPS) and the guidance was issued by the DHSSPS.
3. In the period since this guidance was issued, the issue of restrictive practices, including restraint and seclusion in health and social care services, has continued to be under discussion. In that context and as part of the Mental Health Action Plan published on 19 May 2020, the Department committed to review restraint and seclusion and to develop a regional policy on restrictive practices and seclusion and a regional operating procedure for seclusion (Mental Health Action Plan, Action 6.5). The draft regional policy is the conclusion of this work.

Purpose

4. The draft policy provides the regional framework to integrate best practice in the management of restrictive interventions, restraint and seclusion across all areas where health and social care is delivered in Northern Ireland. The emphasis is on minimising the use of restrictive practices and provide clear guidance to ensure best practice when used.
5. The draft policy draws upon the views of people who use health and social care services, those who have experience of restrictive practices, restraint and seclusion, and best practice from other jurisdictions in the UK and across the world. It aims to ensure that when restrictive practices are used, they are managed in a proportionate and well-governed system. This policy will play a

key role in protecting people, by reducing the risk of misuse and the potential over-reliance on restrictive practices.

6. The use of restrictive interventions, restraint or seclusion may be necessary on occasions, for example, as one element of managing a high-risk situation. Best practice highlights that restrictive interventions, restraint and seclusion should only be used as a last resort when all other interventions have been exhausted and there is a presenting risk to the person or to others. Nevertheless, some of those who have been involved with or subject to seclusion, restraint and/or restrictive interventions, recall traumatic experiences which can hinder recovery and relationship building. Reports from across the UK and Ireland have highlighted the need for change regarding the use of restrictive interventions, restraint and seclusion.
7. The draft policy document sets out the standards required for: minimising the use of restrictive interventions, restraint and seclusion; and decision making, reporting and governance arrangements for the use of any restrictive practice.

Co-production

8. The draft policy has been developed using co-production principles and has included involvement from service users, carers, people with lived experience, professionals, academics, providers of services and policy officials.

Funding of the Policy

9. It is anticipated that the draft policy can be delivered within existing funding, as the policy represents current best practice and compatibility with statutory requirements. There may be some training need – for which there are funds available.

Implementation of the Policy

10. Across the statutory sector, implementation of the draft policy will be led by the HSC Board and HSC Trusts. In the independent and community and voluntary sectors, it will be for each organisation to consider what, if any,

implementation work will be required. The draft policy includes governance structures which will aid implementation.

Impact assessments

11. A number of impact assessment screenings have been completed, and the outcome of these is available in Annex A to this document. A full Equality Impact Assessment has also been carried out. The EQIA and screening documents are available as part of the suite of consultation documents.

How to Respond

12. We are seeking views on the draft regional policy, and invite written responses by no later than 1 October 2021.

13. In addition to this, we are also inviting written responses to the EQIA by no later than 1 October 2021.

14. Responses can be provided through email or hard copy to:

Department of Health
Adult Mental Health Unit
Room D4.26
Castle Buildings
Stormont
Belfast
BT4 3SQ
mentalhealthunit@health-ni.gov.uk

15. The full set of consultation questions are provided in Annex B to this consultation document.

16. When you reply, it would be helpful if you would confirm whether you are replying as an individual or submitting an official response on behalf of an organisation. If you are replying on behalf of an organisation, please include:

- Your name;

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- The name of your organisation; and
- An e-mail address.

17. If you have any queries, or wish to request a copy of the draft regional policy in an alternate format, please contact the Department using the following email address:

mentalhealthunit@health-ni.gov.uk.

Privacy, Confidentiality and Access to Consultation Responses

18. For this consultation, we may publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public). All responses from organisations and individuals responding in a professional capacity will be published. We will remove email addresses and telephone numbers from these responses; but apart from this, we will publish them in full. For more information about what we do with personal data please see our consultation privacy notice .

19. Your response, and all other responses to this consultation, may also be disclosed on request in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR); however all disclosures will be in line with the requirements of the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (UK GDPR) (EU) 2016/679.

20. If you want the information that you provide to be treated as confidential it would be helpful if you could explain to us why you regard the information you have provided as confidential, so that this may be considered if the Department should receive a request for the information under the FOIA or EIR.

21. For further information on how we will process data and your rights, see our Privacy Notice in Annex C of this document.

What Happens Next

22. Following the close of the consultation, all responses and feedback will be collated for review by the Department of Health, and a consultation report will be produced. The consultation report will be published alongside the final Regional Policy on the Use of Restrictive Practices in Health and Social Care Settings and Regional Operational Procedure for the Use of Seclusion.

ANNEX A: IMPACT SCREENING OUTCOMES

Full impact assessment and screening documents are available as part of the suite of consultation documents, and can be accessed via the following link:

A summary of the outcome of each is provided in the table below:

Impact Assessment Screening	Outcome
Equality/Human Rights	Significant positive impact – full Equality Impact Assessment Completed
Regulatory	No significant impact identified – full impact assessment not required
Rural	No significant impact identified – full impact assessment not required
Children’s Rights	No significant impact identified – full impact assessment not required

ANNEX B: CONSULTATION QUESTIONS

A word version of the consultation response questions is available on Department's website:

Personal details	
Name	
Email address	
Are you responding on behalf of an organisation?	Yes/No <i>(delete as applicable)</i>
Organisation <i>(if applicable)</i>	
Questions	
Do you agree with the Regional Policy? – yes / no	
Do you have any comments:	
Do you agree with the screenings and Equality Impact Assessment? – yes / no	
Do you have any comments:	

ANNEX C: PUBLIC CONSULTATION PRIVACY NOTICE

Data Controller Name: Department of Health (DoH)
Address: Castle Buildings, Stormont, BELFAST, BT4 3SG
Email: MentalHealthUnit@health-ni.gov.uk
Telephone: 02890523311

Data Protection Officer Name: Charlene McQuillan
Telephone: 02890522353
Email: DPO@health-ni.gov.uk

Being transparent and providing accessible information to individuals about how we may use personal data is a key element of the [Data Protection Act \(DPA\)](#) and the [UK General Data Protection Regulation](#) (GDPR). The Department of Health (DoH) is committed to building trust and confidence in our ability to process your personal information and protect your privacy.

Purpose for processing

The Department of Health has developed a draft Regional Policy on the Use of Restrictive Practices in Health and Social Care Settings and Regional Operational Procedure for the Use of Seclusion which is published for public consultation. We are encouraging organisations and institutions to respond but also people with lived experience and carers. We will process personal data provided in response to consultations for the purpose of informing the policy. We will publish a summary of the consultation responses and, in some cases, the responses themselves but these will not contain any personal data. We will not publish the names or contact details of respondents, but will include the names of organisations responding.

For the purpose of this consultation the only data we will process is provided by the individual when they respond to the consultation, as follows:

- Name
- Email address
- Name of organisation (if responding on behalf of an organisation)

Lawful basis for processing

The lawful basis we are relying on to process your personal data is Article 6(1)(e) of the GDPR, which allows us to process personal data when this is necessary for the performance of our public tasks in our capacity as a Government Department.

How will your information be used and shared

We process the information internally for the above stated purpose. We don't intend to share your personal data with any third party. Any specific requests from a third

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party for us to share your personal data with them will be dealt with in accordance the provisions of the data protection laws.

How long will we keep your information

We will retain consultation response information until our work on the subject matter of the consultation is complete, and in line with the Department's approved Retention and Disposal Schedule [Good Management, Good Records](#) (GMGR).

What are your rights?

- You have the right to obtain confirmation that your data is being [processed, and access to your personal data](#)
- You are entitled to have personal data [rectified if it is inaccurate or incomplete](#)
- You have a right to have personal data [erased and to prevent processing](#), in specific circumstances
- You have the right [to 'block' or suppress processing](#) of personal data, in specific circumstances
- You have the right to [data portability](#), in specific circumstances
- **You have the right to** [object to the processing](#), in specific circumstances
- **You have rights in relation to** [automated decision making and profiling](#).

How to complain if you are not happy with how we process your personal information

If you wish to request access, object or raise a complaint about how we have handled your data, you can contact our Data Protection Officer using the details above.

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you can complain to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
casework@ico.org.uk