



Royal College
of Nursing

From restrictive to positive practice

*A three step framework and rights
based approach*

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How to boil a frog



World Health Organisation...

includes the right to the **highest attainable standard of healthcare** in its constitution.

In relation to a health, a rights based approach means integrating human rights norms and principles in the design, implementation, monitoring and evaluation of health related policies and programmes

A rights based approach

- Human Rights – Fundamental rights protected in Irish Constitution, and in the European Convention on Human Rights (ECHR)
- Core principles and values that should shape practices and services – FREDA principles

Human rights articles

“Human rights are inscribed in the hearts of people; they were there long before lawmakers drafted their first proclamation”



Mary Robinson, Former UN High Commissioner for Human Rights

Article 2 – Right to life

Article 3 – Freedom from torture and degrading treatment

Article 5 – Right to liberty and security

Article 8 – Right to private and family life

Article 14 – Prohibition of discrimination

FREDA Principles

F R E E D A

Fairness

Respect **EQUALITY**

Dignity **Autonomy**



Number 23 of 2007

HEALTH ACT 2007

ARRANGEMENT OF SECTIONS

**PART 1
PRELIMINARY MATTERS**

- Section
1. Short title, collective citation and construction.
 2. Interpretation.
 3. Commencement.
 4. Establishment day.
 5. Expenses.

PART 2

HEALTH INFORMATION AND QUALITY AUTHORITY

6. Establishment of Health Information and Quality Authority.
7. Object of Authority.
8. Functions of Authority.
9. Investigations by Authority.
10. Standards set by Authority.
11. Admissibility of standards in proceedings.
12. Provision of information to Authority.

BOARD

13. Membership of Board.
14. Role of Board.
15. Conditions of service of members of Board.



STATUTORY INSTRUMENTS

S.I. No. 415 of 2013

HEALTH ACT 2007 (CARE AND WELFARE OF RESIDENTS IN DESIGNATED CENTRES FOR OLDER PEOPLE) REGULATIONS 2013



**BUNREACHT NA MÉIREANN
CONSTITUTION OF IRELAND**



Health Information and Quality Authority

An tOlláid Uis Fhaisle
An tOlláid Uis Fhaisle

**Code of Conduct
for Registered
Nurses and
Registered
Midwives**

December 2014



**Bord Altranais agus
Cnámhseachais na hÉireann**
Nursing and Midwifery Board of Ireland



**Towards a Restraint Free
Environment in Nursing Homes**



**National Standards
for Residential Care Settings
for Older People in Ireland**

2016

Safer Better Care



**Royal College
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Let's talk about consent!

“It is a basic rule at common law that consent must be obtained for medical examination, treatment, service or investigation. This is well established in Irish case law and ethical standards. The requirement for consent is also recognised in international and European human rights law and under the Irish Constitution.”

“Therefore, other than in exceptional circumstances, treating service users without their consent is a violation of their legal and constitutional rights and may result in civil or criminal proceedings being taken by the service user.”

National Consent Policy, 2017 (HSE)

Three Steps to Positive Practice



*In my experience,
there are very few
decisions in nursing
that weigh on us
more heavily than
whether or not to
restrain someone.*



Staff understanding

What is your current understanding of the term “restrictive intervention”?	What is your current understanding of the term “restrictive intervention”?
<p>Any practice which interferes with the liberty, and free choice of self-determination of any person</p>	<p>I am not familiar with the term restrictive intervention</p>
<p>Any intervention: physical, emotional, psychological, mechanical or pharmacological which restricts or prevents an individual or group of individuals from undertaking a specified range of activities that are time-limited; utilised as a last resort and which are intended to be withdrawn at the earliest opportunity</p>	<p>A measure taken to ensure a patient’s safety when they are at risk of endangering themselves, i.e. a patient at risk of falls who is confused may be sitting in a chair and their table is used as a device to stop them getting up independently</p>
<p>Any intervention which impacts on an individual’s freedom to make his/her own decisions or restricts his/her freedom of movement</p>	<p>I have no idea what it means</p>
<p>Any type of intervention (mechanical, physical, environmental, social) which is used to intentionally or unintentionally limit someone’s liberty</p>	<p>Using physical force to restrain an individual who may be endangering themselves or others</p>

Definitions

“Restraint” means the intentional restriction of a person’s movement or behaviours

The Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2013

Towards a Restraint Free Environment in Nursing Homes, 2011

“Restrictive practices are those that limit a person’s movement, day to day activity or function”

Three Steps to Positive Practice, 2017

What makes a practice restrictive?

- Some can be easily identified – locked doors, physically restraining a person
- Others are more subtle – only allowing a person to watch television for a certain length of time
- Psychological – attempting to exert control or force compliance by what is said, how it is said, and/or use of body language and non verbal communication
- Care/treatment not intended to restrict but there are restrictive side effects – sleeping tablets
- Control or abuse of a person's finances
- Restrictions necessary for one person could have a negative impact on others they live with
- Restrictions because of restrictions placed on others – safeguarding reasons

Is it wrong to use restrictive practices?

- It is recognised that there are occasions when the use of restrictive practice is unavoidable in order to keep the person and/or others safe from harm.
- When restrictive practices are as part of a comprehensive therapeutic plan that is outcomes focussed and fully embraces a person's rights, and when there is no other way to keep people safe, then they can and often should be used.
- In these circumstances, care must be safe, effective, person-centred and provided within legal, ethical and professional accountability structures.

Three Steps to Positive Practice



Step 1 - Consider and plan

- consider if the planned intervention is a restrictive practice using the definition
- consider other less restrictive measures
- consider if the planned intervention is therapeutic in its intention

Step 2 – Implement the safeguards

- use a rights based approach within professional accountability and legal frameworks to ensure that any restrictive practice is used only when deemed to be in the person's best interests

Step 3 – Review and reflect

- ensure that a regular and timely review of the use of a restrictive practice is built into a therapeutic plan to meet the person's needs
- this must include a plan to reduce or remove the restrictive practice as soon as is possible
- ensure appropriate use of professional reflection support systems that consider the impact of the use of restrictive practices

Three Steps to Positive Practice

Three steps to positive practice embraces a new way of thinking, the creation of a new culture which will support staff to act differently, with an emphasis on a proactive, evidence based and rights based approach to practice

I recently worked with a 17 year old health care apprentice who had been taught positive behaviour support at college; her approach and attitude prevented and defused a number of potentially serious events with severely demented residents when the restrictive, restraining, medicating attitudes of more experienced staff were inflaming the situation

Happy Frog!



References

- Three Steps to Positive Practice: a rights based approach when considering and reviewing the use of restrictive interventions 2017 <https://www.rcn.org.uk/professional-development/publications/pub-006075>
- Three Steps to Positive Practice – video <https://www.youtube.com/watch?v=vqWvP8bljg4&feature=youtu.be>
- Principles of Consent: guidance for nursing staff <https://www.rcn.org.uk/professional-development/publications/pub-006047>
- The National Consent Policy 2017 <http://www.hse.ie/eng/about/Who/QID/Other-Quality-Improvement-Programmes/Consent/>
- National Standards for Residential Care Settings for Older People in Ireland 2016 <https://www.hiqa.ie/reports-and-publications/standards/current-national-standards-residential-care-settings-older>

- The Health Act 2007
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- The Mental Health Act (2001)
<http://www.irishstatutebook.ie/eli/2001/act/25/enacted/en/html>
- Assisted Decision Making (Capacity) Act 2015
<http://www.irishstatutebook.ie/eli/2015/act/64/enacted/en/html>
- Code of Professional Conduct and Ethics 2014 (NMBI)
<https://www.nmbi.ie/Standards-Guidance/Code>