

# Public Consultation to inform the revision of the Rules and Code of Practice governing the use of seclusion and restraint in inpatient mental health services which are subject to regulation by the Mental Health Commission



## Background information

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The Mental Health Commission is undertaking a review of the Rules and Code of Practice governing the use of seclusion\*, mechanical means of bodily restraint\*, and physical restraint\* in approved centres which are subject to regulation by the Mental Health Commission.

The current Rules and Code of Practice came into effect on 1 January 2010. The Mental Health Act 2001 (as amended) requires the Commission to develop Rules on the use of both seclusion and mechanical means of bodily restraint and allows us to develop a Code of Practice on the use of physical restraint. These Rules and the Code of Practice are currently applicable to all inpatient mental health services (“approved centres”) in the public, voluntary and independent sectors including services for children and adolescents, adults, older persons, persons with an intellectual disability and a mental illness and forensic mental health services. These are key documents for people who use, deliver and work in mental health services in Ireland.

In addition to the revision of the current Rules and Code of Practice, we are also giving consideration to the development of a set of Rules to govern the use of chemical restraint in mental health services to take account of potential future amendments to the Mental Health Act 2001.

We are holding this consultation early in the process to give people an opportunity to provide feedback on the key areas that this Review should address (including evidence that should be considered, and stakeholders who should be consulted). We will carefully assess all feedback received and use it, along with other available evidence and information, to develop revised Rules and Codes.

Before you complete this consultation feedback form, you can review the current Rules and Code of Practice here: [Rules Governing the Use of Seclusion and Mechanical means of bodily Restraint.pdf](#) (mhcirl.ie) and here: [Code of Practice on the Use of Physical Restraint.pdf](#) (mhcirl.ie)

Please also read the instructions for submitting feedback which are outlined below.

The closing date of the consultation is **5pm on Monday 6 September 2021**

### \* The current definitions of the restrictive practices, as outlined in the Rules/Code of Practice, are:

- **Seclusion:** “the placing or leaving of a person in any room alone, at any time, day or night, with the exit door locked or fastened or held in such a way as to prevent the person from leaving.”
- **Mechanical Means of Bodily Restraint:** “the use of devices or bodily garments for the purpose of preventing or limiting the free movement of a patient’s body.”
- **Physical Restraint:** “the use of physical force (by one or more persons) for the purpose of preventing the free movement of a resident’s body when he or she poses an immediate threat of serious harm to self or others.”

## Instructions for submitting feedback

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- There is no obligation for you to answer all questions contained within survey and you can choose to answer which questions are applicable to you.
- If you are commenting on behalf of a service or organisation, please combine all feedback from your organisation into one submission form and include the details of the service or organisation. When completing this form online, please ensure you scroll down the webpage and complete the form in full.
- Please spell out any abbreviations that you use.
- While we encourage respondents to complete the survey using the online form, completed surveys may also be returned to [standards@mhcirl.ie](mailto:standards@mhcirl.ie) or by post to: Standards and Quality Assurance, Mental Health Commission, Waterloo Road, Dublin 4 D04 E5W7
- For queries, or to request a pdf or physical copy of the survey, please contact [standards@mhcirl.ie](mailto:standards@mhcirl.ie) or by telephoning us on 01 636 2400

## Data Protection and Freedom of Information

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The Mental Health Commission will only collect contact information during this consultation for the purposes of verifying an organisation's feedback. If you have any concerns regarding your data, please contact the Commission's Information Governance Manager at [dpfoi@mhcirl.ie](mailto:dpfoi@mhcirl.ie). Please note that the Commission is subject to the Freedom of Information (FOI) Act and the statutory Code of Practice in relation to FOI. Following the consultation, we will include the names and types of organisations that submitted feedback to us. For that reason, it would be helpful if you could inform us if you regard the information you have provided us as being confidential or commercially sensitive.

## Support

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Please note that the MHC appreciates and recognises that a public consultation process can be difficult for some people. With that in mind, we would like to direct anyone in need of support to: [Urgent Help and Support | Mental Health Commission \(mhcirl.ie\)](#)

This page provides key links and contact details for services and organisations that offer immediate or urgent support, and to organisations that offer general and specialised ongoing support.

## Concerns

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If you have an issue of concern about a particular service, you can report that concern to us. For more information, visit: [Report a Concern | Mental Health Commission \(mhcirl.ie\)](#)

## Start Survey

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### ■ About you

#### Question 1: Are you providing us feedback as:

An individual

On behalf of an organisation. *For verification purposes, please provide the name of the organisation and a name and phone number/official email address for a contact person within the organisation:*

#### Question 2: Are you commenting as:

Please select as appropriate:

A person who has used or is currently using mental health services in Ireland. Please specify the type(s) of mental health services you have accessed (e.g. inpatient in a mental health service, mental health community residence) (Please also answer the question in Appendix A)

- If you have been an **inpatient at a mental health service**, have you directly experienced any of the following during your time there (*please select all that apply*):

Seclusion

Mechanical restraint (e.g. handcuffs)

Physical restraint

None of the above

- If you have not directly experienced any of the above during your time in an inpatient mental health service, did you witness any of the restrictive practices listed above on someone else?

Yes

Comments:

No

A staff member or other person working in mental health services in Ireland.

Please specify your role:

Mental Health Nurse

Psychiatrist

Child

Child

Forensic

Forensic

Adult/general

Adult/general

Nurse Manager

Occupational Therapist

Psychologist

Health Care Assistant

Social Worker

Other, please specify

And the type(s) of mental health service(s) you work/have worked in (e.g. mental health community residence, inpatient mental health service)

- Do you have direct experience in the use of seclusion or restraint?

Yes (*Please also answer the questions in Appendix B*)

No

A staff member or representative of an organisation. This might include people working for a lobby group, a government department, an advocacy group etc. Please specify your role and provide the name of your organisation:

A friend, family member or carer of a person who has used mental health services in Ireland. Please specify:

Other (*please specify*):

## ■ Your feedback on the Rules and Code of Practice

In this section, we would like to hear your overall feedback on the current Rules/Code of Practice, what you think are the key areas that the revised Rules and Code of Practice and any future Rules governing the use of chemical restraint should address, what key sources of evidence should be reviewed and who we should engage with during the consultation process. We will then ask for your feedback on the specific Rules/Code of Practice for each category of restrictive practice

### **Question 3:** How familiar are you with the current Rules and Code of Practice? (*please tick as appropriate*)

- Rules Governing the use of Seclusion issued (pursuant to Section 69(2) of the Mental Health Act 2001)

Very Familiar      Quite Familiar      Somewhat Familiar      Not familiar

- Rules governing the use of Mechanical Means of Bodily Restraint (issued pursuant to Section 69(2) of the Mental Health Act 2001)

Very Familiar      Quite Familiar      Somewhat Familiar      Not familiar

- Code of Practice on the Use of Physical Restraint in approved centres (issued pursuant to Section 33(3)(e) of the Mental Health Act 2001)

Very Familiar      Quite Familiar      Somewhat Familiar      Not familiar

## ■ Overall feedback on the Rules/Code of Practice

### **Question 4:** What principles should inform the revised set of Rules/Code of Practice?

**Question 5:** In your opinion, do the current Rules/Code of Practice ensure that human rights are adequately protected? Do you have suggestions on where and how the Rules/Code of Practice could be further strengthened in this regard?

**Question 6:** In what ways could the Rules/Code of Practice be revised to ensure that people have a say in their own care and that their wishes are taken into account?

**Question 7:** In your opinion, do the Rules/Code of Practice adequately address the issues surrounding restrictive practices to ensure their minimisation and safe application? If not, what further guidance do you recommend?

**Question 8:** In your opinion do the Rules/Code of Practice adequately help safeguard patients? If not, what further guidance do you recommend?

**Question 9:** Please indicate what documents we should look at to inform this Review of the Rules and Code of Practice governing the use of seclusion, mechanical and physical restraint and the development of a set of Rules to govern the use of chemical restraint

**Question 10:** What key organisations or individuals should we engage with during this Review? *We may invite them to take part in future focus groups*

**Question 11:** Do you have any other suggestions or thoughts in respect of the regulation of restrictive practices?

## ■ Feedback on the specific Rules/Code of Practice

### Rules governing the use of seclusion

*Seclusion is currently defined in the Rules as: “the placing or leaving of a person in any room alone, at any time, day or night, with the exit door locked or fastened or held in such a way as to prevent the person from leaving.”*

**Question 12:** What, if any, aspects of the current Rules require amendment?

*(e.g. are there aspects which you believe are unclear, need to be more specific, or not in keeping with best practice?)*

**Question 13:** What, if anything, should be included in the revised Rules for the use of seclusion?

**Question 14:** Do you have any additional comments/recommendations regarding the Rules for the use of seclusion?



**Rules governing the use of mechanical means of bodily restraint**

*Mechanical means of bodily restraint is currently defined in the Rules as “the use of devices or bodily garments for the purpose of preventing or limiting the free movement of a patient’s body.”*

**Question 15:** What, if any, aspects of the current Rules require amendment?  
*(e.g. are there aspects which you believe are unclear, need to be more specific, or not in keeping with best practice?)*

**Question 16:** What, if anything, should be included in the revised Rules for the use of mechanical means of bodily restraint?

**Question 17:** Do you have any additional comments regarding the Rules for the use of mechanical means of bodily restraint?

**Code of Practice relating to the use of physical restraint**

*Physical restraint is currently defined in the Code of Practice as “the use of physical force (by one or more persons) for the purpose of preventing the free movement of a resident’s body when he or she poses an immediate threat of serious harm to self or others.”*

**Question 18:** What, if any, aspects of the current Code of Practice require amendment?

*(e.g. are there aspects which you believe are unclear, need to be more specific, or not in keeping with best practice?)*

**Question 19:** What, if anything, should be included in the revised Code of Practice on the use of physical restraint?

**Question 20:** Do you have any additional comments regarding the Code of Practice for the use of physical restraint?

**Future Rules on the use of chemical restraint**

*Consideration has been given to the regulation of the use of chemical restraint in approved centres, due to its potential inclusion in the future (amended) Mental Health Act 2001. At present, this Act does not provide for Rules on chemical restraint. For guidance purposes, the Care Quality Commission in England (the regulator for mental health services in England) defines chemical restraint as “the use of medication which is prescribed and administered for the purpose of controlling or subduing disturbed/violent behaviour, where it is not prescribed for the treatment of a formally identified physical or mental illness”.*

**Question 21:** Please provide us with your feedback on what should be included in any future Rules governing the use of chemical restraint in approved centres:

**Question 22:** Do you have any additional comments regarding a set of Rules to govern the use of chemical restraint?

## ■ Register to hear about future engagement opportunities

**Question 23:** If you are interested in participating in further engagement (e.g. take part in a focus group) with us about the revision of the Rules and Code of Practice governing the use of seclusion and restraint and the potential development of a set of Rules to govern the use of chemical restraint, please email [standards@mhcirl.ie](mailto:standards@mhcirl.ie)

**Question 24:** How did you hear about this public consultation?

*This will help us to make sure that future consultations reach as many people as possible.*

Social Media

Linkedin

Twitter

Other social media (please specify)

Mental Health Commission website

Mental Health Commission newsletter

Newspaper (please specify)

Other (please specify)

**Thank you. The results of this consultation will be used to inform the review of the Rules and Code of Practice in relation to seclusion and restraint and any future set of Rules that will govern the use of chemical restraint**

## Appendix A

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Additional question for individuals who indicated that they had experienced or witnessed seclusion/restraint in an approved centre

**Question 1:** Please tell us about your views on the use of restrictive practices in approved centres:

## Support

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Please note that the MHC appreciates and recognises that a public consultation process can be difficult for some people. With that in mind, we would like to direct anyone in need of support to:

[Urgent Help and Support | Mental Health Commission \(mhcirl.ie\)](https://www.mhcirl.ie)

This page provides key links and contact details for services and organisations that offer immediate or urgent support, and to organisations that offer general and specialised ongoing support.

## Concerns

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**Question 4:** Is sufficient training provided to meet the requirements of the Rules on the use of seclusion?

Yes

No

Unsure

Comments/suggestions for improvement:

**Question 5:** In your opinion are the Rules sufficiently prescriptive in terms of the level/form of communication between the patient/resident and relevant staff members both before and after the seclusion?

Yes

No

Unsure

Comments/suggestions for improvement:

**Question 6:** Do you think that the timeframes for monitoring patients in seclusion and the designated responsibilities of particular professions in this regard are appropriate?

Yes

No

Unsure

Comments/suggestions for improvement:

**Question 7:** Do you think that the specification for seclusion facilities included within the Rules is adequate?

Yes

No

Unsure

Comments/suggestions for improvement:

**Question 8:** Do you think that the current definition of seclusion, as outlined in the Rules, remains appropriate?

Yes

No

Unsure

Comments/suggestions for improvement:

**Question 9:** Do you think that the current provisions in the Rules governing the use of seclusion in relation to the following remain appropriate:

**A. Orders for seclusion**

Yes

No

Unsure

**B. Patient dignity and safety**

Yes

No

Unsure

**C. Ending seclusion**

Yes

No

Unsure

**D. Recording of seclusion episodes**

Yes

No

Unsure

**E. Principles underpinning the use of the seclusion**

Yes

No

Unsure



**F. Child patients**

Yes No Unsure

**G. Renewal of seclusion orders**

Yes No Unsure

**H. The use of CCTV**

Yes No Unsure

**I. Clinical governance**

Yes No Unsure

Comments/suggestions on the above:

**Question 10:** In your opinion are the current Rules governing the use of seclusion adhered to by staff?

Yes No Unsure

Comments:

## Section B: Mechanical Means of Bodily Restraint

Please answer these questions if you have prior experience in using mechanical restraint in an approved centre

**Question 11:** In your opinion are the current Rules governing the use of mechanical means of bodily restraint well understood by staff?

Yes

No

Unsure

Comments/suggestions for improvement:

**Question 12:** Do you feel you have had sufficient training to meet the requirements of the Rules on the use of mechanical means of bodily restraint?

Yes

No

Unsure

Comments/suggestions for improvement:

**Question 13:** Do you feel that the Rules are sufficiently prescriptive in terms of the level/form of communication between the patient/resident and relevant staff members both before and after the mechanical means of bodily restraint?

Yes

No

Unsure

Comments/suggestions for improvement:

**Question 14:** Do you consider that the current definition of mechanical means of bodily restraint, as outlined in the Rules, remains appropriate?

Yes

No

Unsure

Comments/proposed alternative definition:

**Question 15:** Do you think that the current provisions in the Rules governing the use of mechanical means of bodily restraint in relation to the following remain appropriate:

**A. Orders for mechanical means of bodily restraint for immediate threat of serious harm to self or others**

Yes

No

Unsure

**B. Orders for the use of mechanical means of bodily restraint for enduring risk of harm to self or others**

Yes

No

Unsure

**C. Patient dignity and safety**

Yes

No

Unsure

**D. Ending the use of mechanical means of bodily restraint**

Yes

No

Unsure

**E. Principles underpinning the use of mechanical means of bodily restraint**

Yes

No

Unsure

**F. Child patients**

Yes

No

Unsure

**G. Recording the use of mechanical means of bodily restraint**

Yes

No

Unsure

**H. Clinical governance**

Yes

No

Unsure

Comments/suggestions on the above:

**Question 16:** In your opinion are the current Rules governing the use of mechanical means of bodily restraint adhered to by staff?

Yes

No

Unsure

Comments/proposed alternative definition:

## Section B: Physical Restraint

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Please answer these questions if you have prior experience in using physical restraint in an approved centre

**Question 17:** In your opinion is the current Code of Practice on the use of physical restraint well understood by staff?

Yes

No

Unsure

Comments/suggestions for improvement:

**Question 18:** Do you feel you have had sufficient training to meet the requirements of the Code of Practice on the use of physical restraint?

Yes

No

Unsure

Comments/suggestions for improvement:

**Question 19:** Do you feel that the Code of Practice is sufficiently prescriptive in terms of the level/form of communication between the patient/resident and relevant staff members both before and after the physical restraint?

Yes

No

Unsure

Comments/suggestions for improvement:

**Question 20:** Do you consider that the current definition of physical restraint, as outlined in the Code of Practice, remains appropriate?

Yes

No

Unsure

Comments/proposed alternative definition:

**Question 21:** Do you think that the current provisions in the Code of Practice on the use of seclusion in relation to the following remain appropriate:

**A. Orders for physical restraint**

Yes

No

Unsure

**B. Resident dignity and safety**

Yes

No

Unsure

**C. Ending the use of physical restraint**

Yes

No

Unsure

**D. Recording of the use of physical restraint**

Yes

No

Unsure

**E. Principles underpinning the use of physical restraint**

Yes

No

Unsure

**F. Child residents**

Yes

No

Unsure

**G. Clinical governance**

Yes

No

Unsure

Comments/suggestions on the above:

**Question 22:** In your opinion is the current Code of Practice on the use of physical restraint adhered to by staff?

Yes

No

Unsure

Comments: