

Physical Intervention & Limits to Freedom Policy – Children & Young People

If you need this publication in larger print, audio form, Braille, or in another language, please contact our office and we will try to help you.



PHYSICAL INTERVENTION & LIMITS TO FREEDOM POLICY CHILDREN & YOUNG PEOPLE

1. Statement of Intent

We are committed to the principles of good corporate governance and sustainability and will endeavour to develop fair and consistent policies, procedures and practices.

The purpose of this policy is to define Kingdom Support and Care's position on the use of physical intervention and limits to freedom. This policy reflects guidelines contained in the Mental Welfare Commission's publication, Rights, Risks and Limits to Freedom and the Scottish Executive guidance, Holding Safely on the regulation and the use of restraint.

We recognise that in order to ensure the personal safety of children and young people we support, staff and members of the public, it may be necessary to use physical intervention or other methods which may limit the freedom of the children or young people.

This policy outlines the context and use of physical interventions and other interventions which limit the freedom of children or young people. It provides guidance for staff who find themselves in positions where the use of such interventions are agreed and aims to provide protection of children or young people, staff, the organisation and members of the public.

We aim to ensure the choice, rights, independence and protection of the children and young people we support are upheld as far as possible. The safety of our staff during physical interventions is of equal importance to the safety and wellbeing of the child or young person. We consider it essential that where physical or other interventions which limit the child or young person's freedom take place that we ensure the child or young person:

- Is treated fairly and with courtesy and respect.
- Is supported to express their views and wishes.
- Is protected through the law.
- Has their rights upheld regardless of their ethnic origin, gender, sexuality, impairment, disability or age.
- Is supported after any use of physical intervention or limit to freedom in a nurturing caring way to limit any damage to relationships between the child or young person and the support staff.

The use of any intervention which results in a limit to the child or young person's freedom involves a number of ethical, safety and legal implications, which staff must be clearly aware of, before they use any physical intervention or limit to freedom with the child or young person we support.

It is expected any physical interventions and limits to freedom will be the exception rather than the norm and that staff will make every possible effort to prevent and avoid the need to use physical intervention or any other limits to freedom. Any use of limit to freedom or physical intervention must be the last option and of benefit to the person over all other approaches for the given situation.



Our aim is to understand the behaviour of any individual which may result in the use of any limit to freedom and will endeavour to support the individual through the use of positive behaviour support.

In line with our commitment to equality and diversity, this policy can be made available in a variety of formats, including large print, translated into another language or other media. We will make any reasonable adjustments to assist the supported individual if they have a disability.

2. Defining Limits to Freedom

The Mental Welfare Commission defines restraint in its best practice guidance “Rights Risks Limits to Freedom” (updated 2013).

“.. Restraint is taking place when the planned or unplanned, conscious or unconscious actions of care staff prevent a resident or patient from doing what he or she wishes to do and as a result is placing limits on his or her freedom”.

This policy will specifically refer to 5 main areas of limits to freedom. The examples included within each area is not an exhaustive list:

Physical – this is also referred to as “physical intervention”. It refers to direct physical force to restrict freedom of movement. We will only adopt the CALM model of physical intervention due to the evidence based approach of this model.

Environmental – this will include limits placed on a child or young person such as:

- Locked doors.
- Their property.
- Or items being secured where they cannot easily access them.

Mechanical – this refers to the use of equipment which limits freedom of movement such as helmets, arm splints and seating harnesses.

Chemical – this refers to the use of “As Required” medication (also known as PRN medication) to control a child or young person’s mood or behaviour.

Technological – this refers to technology which is used to monitor the action and movements of a child or a young person such as video surveillance, monitors or wandering technology.

3. Values of Limits to Freedom

Limits to freedom will only be used as a last resort and must protect the emotional wellbeing and physical safety of the child or young person, employees and/or others. It must also be a benefit to the child or young person over the potential of not using the specific Limit to Freedom or physical intervention within the specific situation.



Where any physical intervention or limit to freedom is identified as a potential approach which may be used when supporting a child or young person this should be explained to the child or young person and the circumstances which may warrant their use. This is to ensure the child or young person knows that this is to ensure their safety and not as a punishment.

Any use of limit to freedom or physical intervention must be the least restrictive and be used for the least amount of time required to deal with the situation at the time.

Any physical or other interventions which limit freedom must never be used as a threat or punishment.

Any physical or other interventions which limit freedom must not be used to cover any deficiency in the service provided, or defects in the environment in which the child or young person lives.

Any physical or other interventions which limit freedom must consider the wishes of the child or young person and involve consultation with other agencies involved, care manager and family carers.

The physical intervention system used within Kingdom Support and Care CIC is Crisis, Aggression, Limitation and Management (CALM).

Our aim will always be to avoid, reduce or eliminate the use of any limits to freedom or physical intervention in the support of a child or young person.

4. Legal Issues

Under the Health and Safety at Work etc Act (1974) and Management of Health and Safety at Work Regulations 1999, employers have a legal responsibility to take reasonable steps to ensure the health and safety and welfare of their workforce and others. This requires employers to assess potential risks in relation to support of children and young people and to train staff in any necessary limits to freedom procedures as required. This will be delivered in conjunction with the service specific training for children and young people as identified in the training plan.

Some limits to freedom may be seen as a breach of the law, for example, the Human Rights Act 1998, or the Mental Health (Care and Treatment) (Scotland) Act (2003). The law on restriction and limits to freedom in Scotland is complex and limits to freedom covers a variety of activities, but the following can be regarded as a summary of the main areas of the law.

- If any limit to freedom is used, it must not be for longer or involve more force than is reasonably necessary as dictated by the situation.
- The level of limit to freedom or physical intervention must be the least restrictive and used for the least amount of time required for the situation.
- Any limit to freedom must be in proportion to the risk posed.



- Limits to freedom must be for a clear purpose and every attempt should be made to inform the child or young person what this purpose is.
- If limit to freedom is excessive, unnecessary or degrading it may be regarded as assault and could lead to prosecution of either the individual staff member or Kingdom Support and Care CIC as a whole.

Any physical intervention or limit to freedom must have a benefits risks analysis prior to being implemented for each child or young person where this is a potential part of their overall support.

Risks which must be considered, but not limited to, are:

- History of abuse.
- Physical conditions.
- Past experience of trauma.
- Effects of any medication.
- Skeletal or skin conditions.
- Age, size and build of the child or young person.

5. Policy Review

This policy will be reviewed 5 years from the date of implementation or latest review, which will be the date the policy, is approved by the Board of Management, or earlier if deemed appropriate. In the event that this policy is not reviewed within the above timescale, the latest approved policy will continue to apply.



Policy drawn up with reference to:

Health and Safety at Work Act (1974)

Human Rights Act (1998)

Mental Health (Care and Treatment) (Scotland) Act (2003)

Challenging Behaviour: A Unified Approach” Royal College of Psychiatrists, British Psychological Society & Royal College of SALT 2007

The Children and Young People (Scotland) Act 2014

Regulation of Care (Scotland) Act (2001)

Children (Scotland) Act 1995

Equality Act 2010

Reference made to the following sources and other guidance:

Mental Welfare Commission: Rights, Risks, Limits to Freedom (2013)

British Institute Learning Disabilities: Physical Interventions

Holding Safely 2005 updated 2013

UN Convention on the Rights of the Child

Prepared by:

Reference to the current policy and date if one exists.

Draft 1 Reviewed by

Draft 2 Reviewed by

Draft 3 Director final review on

Presented for discussion and to Board of Management on

Policy Approved

Next review date:

