

## **PHYSICAL INTERVENTION GUIDANCE**

### **DEFINITIONS SUB GROUP**

#### **DEVELOPMENT OF KEY DEFINITIONS**

#### **FEEDBACK FROM SUB GROUP MEMBERS**

The following subjects were raised by sub group members in their feedback. Comments against each theme has been included below.

##### **Purpose**

A strong case was made for the inclusion of a purpose of restraint and seclusion to add clarity to the definition. These have therefore been included.

##### **Justification**

The guidance will outline the key considerations that would influence a decision around the use of restraint or seclusion, such as circumstances, legal rights, proportionality and risk. It will also clearly outline where the use of such techniques would be unlawful.

Therefore, having reflected on comments received and included the purpose of each act, it has not been considered necessary to include or list justifications of use in the overarching definitions of restraint and seclusion.

##### **Examples**

A number of comments suggested adding examples or case studies to clarify meaning and use. Examples will be used in the guidance for this purpose, but is not considered necessary for these to be agreed by the definitions sub group at this stage or include them as part of the overarching definition.

##### **Forms of Restraint (and Seclusion)**

A number of comments have suggested the inclusion of types of restraint (eg. physical, coercive, mechanical, chemical) and seclusion (supervised, monitored, time out, level 1 and level 2). We accept that these would be helpful to include and that clear examples of these exist, which can be adopted. However, we consider that these can be incorporated during the next stage of the process, by the guidance sub group, once the overarching definitions have been agreed by the definitions sub group.

##### **Physical intervention**

There are few definitions of physical intervention (although one example of protective physical intervention was shared). In the main, the use of the term physical intervention is used interchangeably with physical restraint. For the purposes of this

guidance, it is necessary that the term covers restrictive interventions (such as restraint) and lower level proactive and reactive intervention techniques (such as de-escalation strategies or voluntary withdrawal). This definition has been redrafted to make this clearer.

## **Restraint**

A number of good examples were highlighted by group members and a strong case made on the benefits of using a consistent definition across sectors. While the original draft was based on the EHRC definition, the benefits of full adoption are clear. In adopting this definition, it is important to note that seclusion would be considered a form of restraint.

The EHRC definition encompasses both direct and indirect forms of physical restraint.

## **Seclusion**

Again, a number of good examples were highlighted by group members and the benefits of using a consistent definition across sectors was clear. Feedback also confirmed that a narrower definition of seclusion, focussed on involuntary isolation and confinement was preferred.

The definition used by the Mental Welfare Commission<sup>1</sup> was highlighted by sub group members as being helpful and easily adaptable to education settings. This is in turn taken from the 2017 UK National Preventive Mechanism Guidance: Isolation in detention. The redrafted definition in Annex A is based on an adaptation of this definition. The use of the term 'confining' is helpful in making the distinction between seclusion and occasions of momentary separation.

A number of definitions included seclusion as a type of indirect restraint, including the EHRC. They are linked, and may often be used together. It is necessary that the guidance defines clearly what seclusion is and makes a clear distinction between seclusion and other forms of restraint. Seclusion as a form of restraint would have recording and monitoring impacts (such as the risk of double counting), which would have to be considered by the recording and monitoring sub group.

## **Proactive and Reactive strategies**

Comments were made around the wider context of restraint and seclusion as a 'last resort', when all other proactive or reactive options have been considered, tried or discarded. This is accepted and a clear aim of the guidance. The guidance sub group can consider this point during the next stage.

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<sup>1</sup> [https://www.mwscot.org.uk/sites/default/files/2019-10/Seclusion\\_GoodPracticeGuide\\_20191010.pdf](https://www.mwscot.org.uk/sites/default/files/2019-10/Seclusion_GoodPracticeGuide_20191010.pdf)

## WORKING DEFINITIONS

### 1. Physical intervention

Overarching definition:

*A physical act carried out with the purpose of influencing, modifying or preventing the actions of a child or young person.*

#### Comments

- Intended to cover restrictive interventions (such as restraint and seclusion) and lower level proactive and reactive intervention techniques (such as de-escalation strategies or voluntary withdrawal).
- This would include direct or indirect physical interventions.

### 2. Restraint

Overarching definition:

*An act carried out with the purpose of restricting a child or young person's movement, liberty and/or freedom to act independently.*

#### Comments

- This is a straight adoption of the EHRC definition<sup>2</sup>, with the substitution of 'individual' for 'child or young person'.
- This includes direct and indirect forms of restraint. Under this definition, seclusion would be considered a specific form of restraint.

### 3. Seclusion

Definition:

*An act carried out with the purpose of confining and isolating a child or young person, away from other children and young people and staff, in an area from which they are prevented from leaving.*

#### Comments

- This definition is derived from used in the Mental Welfare Commission's 2019 Use of Seclusion: Good Practice Guide<sup>3</sup>.

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<sup>2</sup> <https://www.equalityhumanrights.com/sites/default/files/human-rights-framework-restraint.pdf>

<sup>3</sup> [https://www.mwscot.org.uk/sites/default/files/2019-10/Seclusion\\_GoodPracticeGuide\\_20191010.pdf](https://www.mwscot.org.uk/sites/default/files/2019-10/Seclusion_GoodPracticeGuide_20191010.pdf)

- The references to supervision and behaviour have been removed. While all uses of seclusion should be supervised, it is important to recognise that seclusion occurs whether or not it is supervised. 'For the purposes of containment of severe behavioural disturbance' has been removed to avoid the inclusion of a justification in the overarching definition.
- The guidance will outline the key considerations that would influence a decision around the use of restraint or seclusion, such as circumstances, legal rights, proportionality and risk. It will also clearly outline where the use of such techniques would be unlawful.