INFO GUIDE

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Restraints: Your rights when in a Psychiatric Facility

This Info Guide has been prepared by the Psychiatric Patient Advocate Office in the Ministry of Health for general informational purposes only. It does not contain legal advice. If you have a question, or would like advice about your specific legal situation, you should contact a lawyer.

What is a restraint?

- Under the Mental Health Act “restrain” means to “place under control when necessary to prevent serious bodily harm to the patient or to another person by the minimal use of such force, mechanical means or chemicals as is reasonable having regard to the physical and mental condition of the patient”. This type of restraint is not a treatment.
- The doctor and members of the clinical team must take into consideration your mental and physical condition in order to determine the minimal restraint necessary to prevent harm to yourself or others.
- Restraint can be by force (for example, being held down by staff), or mechanical (for example, being tied to a chair; being strapped to your bed), or environmental (for example, being locked in a seclusion room). Restraint can also be chemical when medication is given to you either by mouth or by injection/needle.

When can restraints be used?
• In situations where your behaviour poses an immediate serious threat to your own safety or serious threat to the safety of others, you may be restrained to bring your behavior under control.

Can I be restrained if I am a voluntary or informal patient?

• If you are a voluntary or informal patient, the *Mental Health Act* does not authorize a psychiatric facility to detain or restrain you.
• However, hospital staff; have a duty under the common law to restrain you if they feel that such immediate action is necessary to prevent serious bodily harm to you or others. Following the use of a restraint, a doctor must immediately assess you to see if the criteria for being made an involuntary patient apply to you. If not, the restraints should be immediately discontinued.

What protections are available to me when staff put me in restraints?

• Restraints may only be used where there is concern that you would seriously harm yourself or others.
• In every instance, staff is required to use minimum restraint that is necessary and discontinue the use of restraint; as soon as your behavior is under control.
• Staff must assess your mental and physical condition to determine the minimum restraint that is necessary to use.
• Staff must never use restraints as a punishment or as a response to difficult behavior.

What should staff do to support me while I am being restrained?

• While you are being restrained you should be observed by staff to ensure that the restraints do not cause you physical pain or harm.
• You have the right to speak to your doctor and any staff about your experience in restraints. Staff should assess your condition regularly so that the restraints may be discontinued at the earliest possible time.
• Staff should provide counselling to you throughout the period when restraints are being used, including telling you what behavior resulted in placing you in
restraints and assuring you that as soon as you have regained control of your behavior, the use of restraints will be discontinued.

- Staff should also tell you what sort of behavior they are looking for to indicate that you have regained control and are no longer at risk of harming yourself or others.

- The Mental Health Act requires that staff document in your record of personal health information:
  - a statement that you were restrained,
  - a description of the type of restraint used,
  - a description of the behavior, which caused you to be restrained, and
  - if using a chemical restraint - the type of chemical used, dosage, and method (i.e., injection or by mouth)

- Staff should respond to your personal care needs while you are in restraints. These include giving you fluids, meals, access to hygiene, activities, exercise, fresh air, limb massage, appropriate clothing and rotation of restraints.

**May I express a preference about the type of restraint that is given to me?**

- Yes. If you have a strong preference for one form of restraint over another, you may ask that staff respect your choice.

**How will I know if I am being given a chemical restraint or treatment?**

- Staff should inform you at all times whether the medications are being administered as treatment or restraint. You have the right to ask that the purpose of the medication be explained to you.

**What options do I have if I think there were problems about the use of restraints in my situation?**

- If you feel that the restraints used were excessive, used longer than necessary or not justified, you can:
  - if you are a patient in a psychiatric facility with a Patient Advocate, request that staff call the Patient Advocate.
o if you are a patient in any other psychiatric facility (for example, a psychiatric unit in a general hospital), request that staff call the patient representative or patient relations officer who can help you contact a lawyer.
o express your concerns to staff.

Questions?
• If you have questions, contact your local Patient Advocate or Rights Adviser or call the central office of the Psychiatric Patient Advocate Office at 1-800-578-2343.