

# Justice Health NSW Policy

## **Use of Physical Restraint on Patients in Custody**

Issue Date: 06 July 2023

# Use of Physical Restraint on Patients in Custody

**Policy Number** 1.220

**Policy Function** Continuum of care

**Issue Date** 06 July 2023

**Next Review Date** 06 July 2026

## Risk Rating

**Summary** This policy provides guidelines for the application and removal of physical restraints including handcuffs initiated by Corrective Services New South Wales (CSNSW), Juvenile Justice New South Wales (JJNSW) or Justice Health and Forensic Mental Health Network (Justice Health NSW) within the custodial environment. It provided guidelines for requesting the removal of physical restraints by CSNSW/JJNSW when necessary for examination or treatment of a patient or when clinically indicated.

**Responsible Officer** Executive Director Clinical Operations (Custodial Health)

**Applies to**

- Administration Centres
- Community Sites and programs
- Health Centres - Adult Correctional Centres or Police Cells
- Health Centres - Youth Justice Centres
- Long Bay Hospital
- Forensic Hospital

**CM Reference** POLJH/1.220

**Change summary**

- Policy name change
- Removal of forms which related to Justice Health NSW staff requesting removal of or Essential Alteration in Security Provisions to Undertake Medical Procedure.
- Remove reference to Ministry of Health Guidelines GL2006\_014 Aged Care – Working with people with Challenging Behaviours in Residential Aged care Facilities in relation to use of restraint.
- Incorporate guidance from Australian and New Zealand Society for Geriatric Medicine, Position Statement No. 2, Physical Restraint Use in Older People
- Supporting documents update

**Authorised by** Chair, Policy Steering Committee

## Revision History

#	Issue Date	Number and Name	Change Summary
1	May 2023	Use of physical restraint on patients within Justice Health NSW	<ul style="list-style-type: none"><li>• Policy name change</li><li>• Removal of forms which related to Justice Health NSW staff requesting removal of or Essential Alteration in Security Provisions to Undertake Medical Procedure.</li></ul>

			<ul style="list-style-type: none"><li>• Remove reference to Ministry of Health Guidelines GL2006_014 Aged Care – Working with people with Challenging Behaviours in Residential Aged care Facilities in relation to use of restraint.</li><li>• Incorporate guidance from Australian and New Zealand Society for Geriatric Medicine, Position Statement No. 2, Physical Restraint Use in Older People</li><li>• Supporting documents update</li></ul>
2	September 2018	Policy 1.220 Use of physical restraint on patients within JH&FMHN	<ul style="list-style-type: none"><li>• Removal of forms which related to JH&amp;FMHN staff requesting removal of or Essential Alteration in Security Provisions to Undertake Medical Procedure.</li><li>• Remove reference to Ministry of Health Guidelines GL2006_014 Aged Care – Working with people with Challenging Behaviours in Residential Aged care Facilities in relation to use of restraint.</li><li>• Incorporate guidance from Australian and New Zealand Society for Geriatric Medicine, Position Statement No. 2, Physical Restraint Use in Older People</li></ul>
3	May 2014	<i>Policy 1.220</i>	
4	May 2009	Policy 1.220	

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Printed copies of this document, or parts thereof, must not be relied on as a current reference document.  
Always refer to the electronic copy for the latest version.

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## 2. Preface

As per [PD2020\\_004](#) Seclusion and Restraint in NSW Health Settings the principle of least restrictive practice means staff will maximise a person's choices, rights and freedom as much as possible while balancing healthcare needs and safety for all. Justice Health and Forensic Mental Health (Justice Health NSW) staff have a duty of care to advocate for the least restrictive practices to be implemented to patients when in their care.

Restraint of patients for security purposes in the correctional or youth justice centres is the responsibility of Corrective Services NSW/Youth Justice NSW or the private security providers. The CSNSW Custodial Operations Policy and Procedure (COPP) [13.7 Use of Force](#), outlines the legislative and operational processes and responsibility of CSNSW. Restraint may be used for the maintenance of good order discipline and security of the correctional centre. The use of physical restraint are generally used for patients with specific security classifications, significant risk to self or others and absconding risk.

CSNSW/YJNSW/private security providers are responsible for determining the need and management of physical restraint for a patient.

## 3. Policy Content

The objective of this policy is to provide guidelines when requesting the removal of physical restraints initiated by CSNSW/JJNSW/private security provider and the process to follow if restraints used by CSNSW/JJNSW and/or private security provider impacts on patient care. This policy also identifies guidelines that Justice Health NSW must use for the application and removal of restraint for older patients and criteria for when this may be indicated.

### 3.1 Mandatory requirements

Justice Health NSW staff must:

- Advocate for least restrictive restraint practices when patients are under their care.
- Identify the least restrictive restraint management strategies to be utilised to ensure patients receive optimal care.
- Request for the removal of restraints when identified and agreed as safe and necessary for the examination or treatment of a patient.
- Record when the processes outlined in its policy are enacted in the patient's health record.
- Escalate when this policy is enacted or require support to implement the policy.

### 3.2 Roles and Responsibilities

#### 3.2.1 Chief Executive

The Chief Executive (CE) is responsible for setting the vision and goals for achieving a safe workplace for staff and patients.

#### 3.2.2 General Manager

Relevant General Manager is responsible for assisting with the determination of unresolved issues in either the adult or youth correctional settings.

### 3.2.3 Managers

Managers, team leaders and supervisors who have direct responsibility for staff are responsible for:

- Ensuring that all clinical staff are aware of this policy.
- Completing the Justice Health NSW Health Problem Notification form (Adults) (HPNF) or Justice Health NSW Health Problem Notification and Escort form (Adolescents) (HPNEF) as required to outline patients' physical conditions that may be negatively impacted by physical restraint.
- Ensuring that there are clear communication paths between CSNSW/JJNSW/Private Security Providers and the health service in relation to this policy.
- Escalation of unresolved issues through line management to the relevant general manager

### 3.2.4 Medical Officers are responsible for:

Undertaking an assessment on patients with health conditions that would be compromised by physical restraints or for patients in the Aged Care and Rehabilitation Unit that may require physical restraint.

### 3.2.5 All clinical staff are responsible for:

The Chief Executive (CE) is responsible for setting the vision and goals for achieving a safe workplace for staff and patients.

## 4. Procedure Content

### 4.1 Restraint - Long Bay Hospital Mental Health Unit

Whilst CSNSW are responsible for the management and coordination of restraints on a patient within Long Bay Hospital, Mental Health Unit, Justice Health NSW staff must adhere to [PD2020\\_004 Seclusion and Restraint in NSW Health Settings](#) and Custodial Mental Health Procedure Seclusion and Restraint – Mental Health Unit, Long Bay Hospital.

### 4.2 Restraint - Adult Correctional and Youth Justice Centre

- A patient's medical condition may render physical restraint, including handcuffing and ankle cuffs as not recommended e.g. where a patient is pregnant, unable to walk or seriously physically ill.
- Where the use of restraint may compromise the care of a patient or prevents a thorough medical assessment, the clinician should complete a joint Safety Huddle in consultation with CSNSW to determine the identified risks and strategies of least restrictive care.
- Where it is identified that the health assessment/treatment could potentially be performed without restraints the Nursing Unit Manager (NUM), Nurse in Charge or Medical Officer must contact the Governor or Manager of Security (MOS) of the correctional centre and request for least restrictive practices be applied during the consultation.

- Justice Health NSW staff must provide written notification to the Centre Manager or delegate giving reasons for the advice. This may be done on a HPNF/HPNEF as per policy [1.231](#) Health Problem Notification Form (Adult) and [1.235](#) Health Problem Notification and Escort form (Adolescents). A copy of the written notification must be given to CSNSW and a copy be placed in the patient's Health Record.
- The final decision on the removal of restraints will be made by the Governor, Manager of Security (MOS) or delegate.
- The clinician must document in the patient health record the health assessment, discussions/consultation and the final outcome.
- The clinician must escalate through their usual escalation processes when this policy is enacted or when they require assistance in resolving any issues in relation to a restraint of a patient.

#### 4.3 Use of handcuffs and other physical restraints in patients being transferred to Local Health Districts

- Patients are often escorted to external public hospitals for healthcare reasons, in these situations, the custodial staff escorting the patient are responsible for security and defining its requirements.
- However, the responsible clinician may consider that an aspect or aspects of the security requirements as advised by the escorting officers will significantly compromise the health care of the patient due to the use of handcuffs or physical restraints.
- Where the use of restraint may compromise the safety a patient during escort, the clinician should complete a joint Safety Huddle in consultation with CSNSW to determine the identified risks and strategies of least restrictive care.
- Where it is identified that the escort could potentially be performed without restraints Justice Health NSW staff must provide written notification to the Centre Manager or delegate giving reasons for the advice.
- This may be done on a HPNF/HPNEF as per policy [1.231](#) Health Problem Notification Form (Adult) and [1.235](#) Health Problem Notification and Escort form (Adolescents). A copy of the written notification must be given to CSNSW and a copy be placed in the patient's Health Record.
- The final decision on the removal of restraints will be made by the Governor, Manager of Security (MOS) or delegate.
- The clinician must document in the patient health record the health assessment, discussions/consultation and the outcome.
- The clinician must escalate through their usual escalation processes when this policy is enacted or when they require assistance in resolving any issues in relation to a restraint of a patient.

## 5. Definitions

### Classification

According to the [CSNSW Inmate Classification and Placement Policy and Procedures Manual](#), the security classification is the principal factor used to determine an inmate's placement. Some correctional centres can only accommodate one security classification, although the majority of centres can accommodate more than one security classification. Classification taking into account a range of factors, such as the seriousness of the offence, length of sentence and any previous criminal or custodial history.

### Duty of Care

The duty of care owed to patients will differ according to specific needs and circumstances. In order to adequately discharge their duty of care, staff and facilities should have regard to the following information. Duty of care should withstand ethical scrutiny and should include the elements of:

- Individualised needs
- Constant clinician review
- Common sense
- Supporting the pursuit and development of good practice
- Primarily meeting the needs of the patient
- Peer review
- Provision of care in a dignified manner
- Promotion of health and well-being

### Must

Indicates a mandatory action to be complied with.

### Responsible Person

Includes the patient's next of kin, but it can be either a guardian who has the function of consenting to medical, dental and health care treatment, or if there is no guardian the most recent spouse or defacto spouse including same sex partners or if there is no spouse or de facto an unpaid carer who was providing support prior to the patient entering care or a relative or friend with a close personal relationship. The responsible person is a substitute consent provider for medical and dental treatment for a person 16 years and over who is unable, for some reason, to give valid consent for their own medical or dental treatment.

### Restraint (as per [PD2020\\_004 Seclusion and Restraint in NSW Health Settings](#))

Restraint is anything that limits an individual's voluntary response or movement. It most commonly involves physical or chemical restraint but may also include psychological and environmental restraint or aversive treatments or practices.

### Should

Indicates a recommended action that should be followed unless there are sound reasons for taking a different course of action.

## 6. Related documents

Legislations	<a href="#">Mental Health Act 2007 (NSW)</a> <a href="#">Guardianship Act 1987 (NSW)</a> <a href="#">Privacy and Personal Information Protection Act 1998 (NSW)</a>
Justice Health NSW Policies, Guidelines and Procedures	<a href="#">GL2008_024 Health Facility Guidelines - Australasian Health Facility Guidelines in NSW</a> <a href="#">GL2012_005 Aggression, Seclusion &amp; Restraint in Mental Health Facilities - Guideline Focused Upon Older People</a> <a href="#">PD2015_001 Preventing and Managing Violence in the NSW Health Workplace A Zero Tolerance Approach</a>

[PD2014\\_028](#) *Open Disclosure Policy*

[PD2017\\_033](#) *Physical Health Care within Mental Health Services*

[PD2020\\_018](#) *Recognition and Management of Patients Who are Deteriorating*

[PD2020\\_047](#) *Incident Management*

[PD2020\\_004](#) *Seclusion and Restraint in NSW Health Settings*

Justice Health NSW  
Forms

Justice Health NSW [Health Problem Notification Form](#) V5.1

NSW Health Policy  
Directives and Guidelines

[1.231](#) *Health Problem Notification Form (Adults)*

[1.235](#) *Health Problem Notification & Escort Form (Adolescents)*

[1.350](#) *Aggression, Seclusion and Restraint in Mental Health Facilities – Mental Health Unit, Long Bay Hospital*

Other documents and  
resources

[COPP Section 13.7](#) *Use of force*

[CSNSW Inmate Classification and Placement Policy and Procedures Manual](#)