



Llywodraeth Cymru
Welsh Government

PUBLICATION

Reducing restrictive practices framework: impact assessment

We assessed how the guidance on reducing restrictive practices in childcare, education, health and social care settings affects a number of areas.

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Section 1: What action is the Welsh Government considering and why?

The Welsh Government has developed and consulted on a 'Reducing Restrictive Practices Framework' which we intend to publish as a final version in July 2021. The updated guidance will replace the Framework for Restrictive Physical Intervention Policy and Practice, Welsh Assembly Government (2005). Ministerial agreement for the Framework was given in July 2021 supported by this Integrated impact assessment.

The Framework is intended to promote measures and practice that will lead to the reduction of restrictive practices. The framework also seeks to ensure that where restrictive practices are used this is informed by person centred planning, within the context of the service setting and in a way which safeguards the individual, those whom they interact with, and those who provide services to them.

The Framework sets out the Welsh Government expectations that the use of restrictive practices should be within the context of the **European Convention on Human Rights** and in line with the principles described in the Human Rights Framework on Restraint produced by the **Equality and Human Rights Commission**. The approach set out in the Framework seeks to promote the rights and principles set out in the **United Nations Convention on the Rights of the Child (UNCRC)**; **United Nations Principles for Older Persons** and the **United Nations Convention on the Rights of Persons with Disabilities**.

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The intention of this Framework is to inform commissioners of services and service providers, who should refer to the framework when drafting policies and procedures, reviewing current arrangements and arranging or commissioning training. The Framework does not advise on individual actions required in specific circumstances or specific service settings, nor does it recommend specific methods of restraint.

The Advisory Group who informed the development of the Framework considered in detail the option of producing a statutory Framework, rather than a non-statutory Framework as proposed and of the inclusion of more sector specific guidance. The principle rationale for the decision to produce a non-statutory Framework was agreement that there is a need to achieve a change of culture across sectors, supported by sector level policies and workforce development. It was felt that on balance the best approach was to set expectations and encourage ownership at the sector level.

This Framework is non-statutory however; it sets out expectations for policy and practice in reducing restrictive practices across childcare, education, health and social care settings as part of a person centred approach. As such the Inspectorates: Estyn, Health Inspectorate Wales and Care Inspectorate Wales will consider compliance with the approach set out in the Framework when they carry out inspections.

The Framework is intended to help ensure that restrictive practices are only used as a last resort, to prevent harm to the individual or others. The Framework acknowledges the harm that restrictive practices can have on people. Advice is provided on measures that will support practice across settings that will promote well-being, reduce the use of restrictive practices and help ensure that when they are used as a last resort this is in a safe way that respects people's human rights.

Sectors, organisations and settings are expected to consider the Framework in making decisions about their policies, practice advice, arrangements and workforce development plans. The Framework advises that people using services should be involved in informing these measures.

Information about the Framework will be published in Welsh and English for

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people who use settings and services and the people who matter to them. This information will also be available in Easy Read and Youth Friendly versions. This will help to raise awareness of the intentions of the Framework for people using settings where restrictive practices are used and their families/carers.

The Welsh Government will fund a bilingual awareness raising communications campaign to support initial implementation of the Framework across sectors and to make those using settings and services aware of the ambitions to reduce restrictive practices set out in the Framework. The Welsh Government will consider the expectations set out in this Framework when reviewing or developing relevant policy and guidance. This includes policy and guidance which is sector or service specific to set out how these expectations can be met in each policy area/sector/service.

The Welsh Government expects commissioners and providers of services operating across childcare, education, health and social care settings to review their policies, workforce development arrangements and practice to identify any changes and measures that are necessary to support the implementation of this Framework.

In the period between publication on 19 July 2021 and 31 March 2022, officials in relevant Welsh Government Divisions will engage external stakeholders in those sectors that the Framework applies to, childcare, education, healthcare and social care. Working with sectors, commissioners and providers to raise awareness, and to consider and agree any work needed to support implementation through specific policy and support for practice in the period 1 April 2022 to 31 March 2023 and beyond.

Section 8. Conclusion

8.1 How have people most likely to be affected by the proposal been involved in developing it?

The proposals were developed with groups and bodies representing people who

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will be affected by the Framework. The Framework was developed for us by BILD (British Institute of Learning Disabilities) working to a multi-agency advisory group. BILD work in partnership with vulnerable people and the people that support them.

Easy read and youth friendly versions of the consultation draft were issued and consultation responses included organisations representing people with lived experience, groups involving people with lived experience and individuals who receive services.

The Framework includes advice on including people who use services and settings in developing policies and practice to meet the expectations of the Framework in specific settings, services and sectors.

8.2 What are the most significant impacts, positive and negative?

Please keep within 750 words.

This section should be used to help complete section 6 of the MA template.

Summarise the most significant impacts for the people, culture and Welsh language, economy and environment of Wales, expected as a result of the proposed action. Describe the themes that emerged from involving people. Refer to the seven well-being goals and the Welsh Government's well-being objectives. Contrast with the impact of current Welsh Government action if appropriate.

The Framework is intended to help ensure that those who work with children and adults in childcare, health, education and social care settings share a common framework of principles and expectations informed by an approach that actively promotes human rights. This is intended to have a positive experience on the well-being and lived experiences of children and adults using childcare, education, health and social care settings.

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8.3 In light of the impacts identified, how will the proposal:

- maximise contribution to our well-being objectives and the seven well-being goals; and/or
- avoid, reduce or mitigate any negative impacts?

Please keep within 750 words.

A prosperous Wales – The proposals have the potential to have a minimal positive impact on economic well-being for individuals and a minimal positive impact for communities. Many of the people who will benefit from the changes are likely to be disabled and disadvantaged in the **employment market** or past the age of retirement. However, for children person-centred support and a reduction in the trauma related to the use of restrictive practices will have a positive impact on their educational opportunities.

A resilient Wales – Neutral impact.

A healthier Wales - The proposals have the potential to have a significant positive impact on mental and physical well-being outcomes for individuals. Restrictive practices have a negative impact on the well-being of those people subject to these practices, as well as those who implement and witness them. This may include **physical harm, trauma or re-traumatisation**. The Framework seeks to promote practice leading to person-centred planning to support the well-being of individuals and reduce the use of harmful restrictive practices.

A more equal Wales – The proposals have the potential to have a moderate positive impact on equality. The proposals **impact on people with protected characteristics including mental health, disability, age, gender and ethnicity**. The proposals offer advice on the collection of data on the use of restrictive practices and the protected characteristics of individuals subject to restrictive practices at the setting and service/organisation level. The advice includes the use of data to monitor and respond to equality issues.

The Framework sets out expectations that the use of restrictive practices should be within the context of the **European Convention on Human Rights** and in

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line with the principles described in the Human Rights Framework on Restraint produced by the **Equality and Human Rights Commission**.

The approach set out in this framework seeks to promote the rights and principles set out in:

- the **United Nations Convention on the Rights of the Child (UNCRC)**
- **United Nations Principles for Older Persons** and
- the **United Nations Convention on the Rights of Persons with Disabilities**.

A Wales of vibrant culture and thriving Welsh language – The proposals have the potential to have a minimal positive impact on participation in arts, sports and recreation. The advice in the guidance includes advice on meeting people’s language needs through an active offer of Welsh language services. The people most likely to be subject to restrictive practices because of disability, mental health or age are more likely to be in a position to enjoy opportunities to connect with arts, sports and recreation when the support they receive is person-centred and there is a reduction in the use of restrictive practices which can impact negatively on their physical and mental health and wellbeing.

A globally responsible Wales – Neutral impact

- What action can the Welsh Government take to promote biodiversity, children’s rights, equalities, the Welsh language or another of the areas covered by your impact assessments?
- What action can the Welsh Government take to strengthen its contribution to a particular goal or to contribute to additional goals?
- What action can the Welsh Government take to avoid, reduce or mitigate a negative impact?

If no action is to be taken to avoid, remedy or mitigate a negative impact then please explain why.

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8.4 How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes?

Please keep within 250 words.

What plans are in place for post implementation review and evaluation?

The Welsh Government will consider the expectations set out in this Framework when reviewing or developing relevant policy and guidance. This includes policy and guidance which is sector or service specific to set out how these expectations can be met in each policy area/sector/service.

The Welsh Government expects commissioners and providers of services operating across childcare, education, health and social care settings to review their policies, workforce development arrangements and practice to identify any changes and measures that are necessary to support the implementation of this Framework.

Welsh Ministers will consider a review of the implementation of the Framework and its impact in 2024.

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