

## Case study

# Care Quality Commission: Use of lap straps as a form of restraint

In a care home for older people, inspectors found that people were being restrained unlawfully using lap straps. The use of these lap straps restricted people from walking and moving around. In one instance, this posed a risk of exacerbating a person's condition which the staff had failed to manage appropriately. Staff were unsure of the reason for use of these restraints but some staff and the manager told the inspector they were used for 'health and safety' reasons.

This raises a range of human rights issues under the ECHR including Article 3 (right not to be subjected to torture and serious ill treatment), Article 8 (the right to respect for private life, which includes respecting physical and mental integrity) and Article 5 (the right to liberty). The provider was issued with a compliance notice and a warning notice under Regulation 11 of the Health and Social Care Act 2008. This judgement was based on the lack of planning and the delivery of restraint which put people at risk. The inspector raised a safeguarding alert, which was substantiated. CQC inspectors also provided witness statements for the police who investigated this matter.

Inspectors carried out a follow-up inspection and found that use of lap straps had been stopped. The restraint policy had been amended to reflect that use of lap straps was a form of restraint and the policy stipulated in what circumstances this should be used. In the future, the use of lap straps would only take place after proper assessment and liaison with other professionals.