

# Rights, Restriction, and Restraint

701 Series: Community Services Policies & Procedures

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## POLICY

EPI will create and maintain procedures to ensure persons supported by EPI are taught and exercise their rights and accept responsibilities. A restriction takes place when a person served is not allowed to exercise a right. Any such restriction will be a temporary measure unless it is a result of legal action. All actions to restrict rights will follow the agency's established due process without exception.

Written procedures will specifically address, but not limited to, the following:

1. Understanding of Rights and Responsibilities
2. Rights Restriction/Due Process
3. Restraint

## PROCEDURE

EPI contends all persons will be afforded basic human rights as defined by the laws practiced in the United States. EPI believes legal protection of human rights extends to all persons receiving services. In order for persons served to fully experience all basic human rights, EPI offers individualized opportunities for learning and exercising rights in addition to recognizing complimentary responsibilities. Training emphasizes the comprehension of responsibilities in order to promote opportunities to maintain all basic human rights. EPI believes rights afforded to all citizens as indicated by the United Nations Declaration of Human Rights as outlined in a user friendly guide below;

1. **We Are All Born Free & Equal.** We are all born free. We all have our own thoughts and ideas. We should all be treated in the same way.
2. **Don't Discriminate.** These rights belong to everybody, whatever our differences.
3. **The Right to Life.** We all have the right to life, and to live in freedom and safety.
4. **No Slavery.** Nobody has any right to make us a [slave](#). We cannot make anyone our slave.
5. **No Torture.** Nobody has any right to hurt us or to torture us.
6. **You Have Rights No Matter Where You Go.** I am a person just like you!
7. **We're All Equal Before the Law.** The law is the same for everyone. It must treat us all fairly.
8. **Your Human Rights Are Protected by Law.** We can all ask for the law to help us when we are not treated fairly.
9. **No Unfair Detainment.** Nobody has the right to put us in prison without good reason and keep us there, or to send us away from our country.

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### Applies To:

- All Community Service Staff

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### Effective Dates:

- Board approved: June 2018
- Policy updates: June 2018
- Procedure updates (latest): April 2020

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### Regulation:

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### Related:

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10. **The Right to Trial.** If we are put on trial this should be in public. The people who try us should not let anyone tell them what to do.
11. **We're Always Innocent Till Proven Guilty.** Nobody should be blamed for doing something until it is proven. When people say we did a bad thing we have the right to show it is not true.
12. **The Right to Privacy.** Nobody should try to harm our good name. Nobody has the right to come into our home, open our letters, or bother us or our family without a good reason.
13. **Freedom to Move.** We all have the right to go where we want in our own country and to travel as we wish.
14. **The Right to Seek a Safe Place to Live.** If we are frightened of being badly treated in our own country, we all have the right to run away to another country to be safe.
15. **Right to a Nationality.** We all have the right to belong to a country.

<https://www.youthforhumanrights.org/what-are-human-rights/universal-declaration-of-human-rights/articles-1-15.html>

EPI maintains the responsibility to teach and support principles of exercising rights and accepting outcomes. Exercising rights requires an obligation to act in a responsible manner. When a person served is found to be incompetent by a court of law, EPI will guarantee decisions about rights, freedoms or responsibilities are transferred to the appropriate legal representative. Employees of EPI are responsible to protect and actively advocate for the empowerment of all persons served.

## PROCEDURE - Understanding of Rights and Responsibilities

Persons served and the legally responsible party will receive and review the "Statement of Rights and Responsibilities" at the time of admission and annually thereafter. This statement along with annual meetings help promote freedom from financial exploitation, freedom from humiliation, promotes access to information, facilitate his/her decision making and informed consent or refusal/expression of choice regarding concurrent services and composition of service delivery. The statement is prepared in written, pictorial, audio and Braille formats for appropriate distribution. The original copy will be filed in the permanent file of the person served. In addition to the "Statement of Rights and Responsibilities" the following methods are also used to educate and promote rights;

1. Persons served will participate in the My Life Narrative at the time of admission and annually thereafter.
2. Individualized training will be recognized in the ISP as determined necessary by the interdisciplinary team.
3. EPI employees will receive formal training of persons served rights and responsibilities at onset of employment, annually thereafter and when changes arise.

## PROCEDURE - Rights Restriction/Due Process

During the person centered planning process individual health and safety strengths and barriers are reviewed in depth. In the event the individual and/or their team feel all measures not requiring a formal restriction have been implemented and exhausted, the team will then discuss and develop a formal rights restriction plan. This plan will outline the justification, what has been tried in the past, the plan to restore the right, and a date in which the restriction will next be reviewed.

1. Restrictions, and the plans to reduce or restore a right, will be based on the needs of an individual person to reduce or eliminate a maladaptive behavior.
2. Incidents creating an imminent risk to health, safety or well-being of person served or others may limit the scope of procedural practices; however rights will not be restricted without the verbal consent of person served or legal representative and case manager/care coordinator. Appropriate documentation will be completed as soon as possible after such an event.
3. Any restriction of rights will be a temporary measure unless it is a result of legal action.
4. The Front Line Supervisor shall review the restriction documentation, data collection and teaching strategies at least quarterly to determine progress towards restoration.
  - o This review shall be documented within the progress review summary.
  - o The Human Rights Committee shall review progress review summary restriction portion regarding due process components at least annually.
5. Prior to all restrictions of rights, attempts at less restrictive measures must be completed with documentation as to outcome(s). This will be reviewed by the interdisciplinary team.
6. The interdisciplinary team must develop written justification of the right(s) to be restricted. This plan must be in the ISP as well as funder's plan.
7. The person served or legally responsible party must provide informed consent.
8. The Human Rights Committee will review standing rights restrictions to ensure appropriate due process and procedure was completed.
9. Restrictions will not be used as punishment, for the convenience of staff, or as a substitute for a behavior intervention program. Corporal punishment, verbal abuse and physical abuse are prohibited.

## **PROCEDURE - Restraint**

EPI policy prohibits the use of restraint of any type to persons served. Staff are trained in other methodologies that promote compromise and dignity.

## **PROCEDURE - Human Rights Committee**

The mission of the Human Rights Committee at EPI strives to enable individuals to exercise and promote basic civil, human and legal rights. Any restrictions to these rights will be temporary in nature and will receive due process. The Human Rights Committee will function as an advisory body to the organization to improve quality of life for person served.

The Human Rights Committee values;

- All people have rights
- Any RIGHT cannot be limited with due process
- All Rights have responsibilities
- It is important to support people with limited life experiences to exercise rights responsibly

### **Roles and Responsibilities**

The role of a member of EPI's Human Rights Committee is as follows;

- Protect and ensure rights are not ignored or infringed upon
- Support mission and values of EPI while respecting individual preferences
- Challenge and investigate alternative options which promote independence
- Facilitate education around rights and responsibilities for staff and person served
- Be a strong advocate for eliminating restraints

### **Membership**

Membership for the Human Rights Committee shall be a diverse group of members. Assigned employees and community experts who will provide due process and recommendations to individuals who are in danger of facing restrictions or currently restricted. The Rights Committee shall be lead by a staff member and consist of at least six members with two being an individual not affiliated with EPI. The committee will meet once each month unless there are no restrictions to review. A quorum of five is required to proceed.

Please see Human Rights Charter for specific details.

### **Training**

Members of the Human Rights Committee will be expected to complete the following trainings within the first 30 days of becoming a member.

- History of EPI video
- A Working and Effective Human Rights Committee created by CQL
- HIPAA on Relias
- EPI Rights, Responsibilities and Restrictions on Relias

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