

# PORTFIELD SCHOOL & SATELLITE CENTRES



## POLICY DOCUMENT FOR POSITIVE HANDLING STRATEGIES FOR PUPILS IN SCHOOLS



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**POLICY REVIEW**

This policy will be regularly monitored by the Head and reviewed and updated annually.

This policy was adopted by:

*Signed:* .....

*Headteacher*

*Signed:* .....

*Chair of Governors*

*Date:* .....

*Date:* .....

Portfield School has adopted the guidance given by the Local Authority to develop its policy. The Local Authority Appendix 1 and 2 follows the school policy.

## Policy on Positive Handling (Care and Control and the Use of Force)

### Portfield School Mission Statement

Working together    Learning together    Achieving together

At Portfield School we strive to

- Create a happy, safe, supportive and stimulating learning environment
- Value everyone
- Develop everyone's personal, social, emotional health and wellbeing
- Promote relevant academic and vocational skills
- Meet individual needs through an imaginative and flexible approach
- Enable all learners to achieve their full potential

### UNCRC United Nations Convention on the Rights of the Child

- Portfield School places the values and principles of the UNCRC at the heart all policies and practices
- Portfield School is a Rights Respecting School

### Policy document-Context

The aim of this schools policy is to assist all staff in schools to deal effectively with challenging behaviour: to ensure that staff and pupils are protected from harm and to ensure that pupils are protected from any form of physical restraint or intervention which is inappropriate. It is based on the Team –Teach framework approach to positive handling – ***“a holistic approach involving policy, guidance, management of the environment and deployment of staff. It also involves personal behaviour, diversion, defusion and de-escalation. Restraint is only a small part of the framework”***.

This policy and the advice set out in this document provide a framework within Pembrokeshire County Council, which restates principles derived from common law and statute. This policy revises Pembrokeshire C.C Education and Children's approach to the use of reasonable force to control or restrain pupils in the light of the recent guidance published by the Assembly Government for Wales in the publication "Safe and Effective intervention – use of reasonable force and searching for weapons".

It is the policy of the Local Education Authority and has been produced following the Education Act 1996 and amended and updated to include recent Welsh Assembly Guidance, as it recognises the need to continually evaluate the policy in the light of local and national changes. It acknowledges the role of The Pembrokeshire Children's Safeguarding Board (PSCB) who has approved this policy, and will monitor its implementation and review its effectiveness. This document offers guidance to schools and other educational establishments in Pembrokeshire County Council regarding the development of a policy relating to the use of reasonable force to control and restrain pupils. Much of the guidance has been taken from Safe and Effective

Intervention – use of reasonable force and searching for weapons. Welsh Assembly Government Guidance 041/2010. This document can be found at:  
<http://wales.gov.uk/docs/dcells/publications/101029safeeffectiveen.pdf>

The document emphasises the need to secure the safety of both staff and pupils and applies equally to mainstream and special schools. It identifies shared targets with other policies, plans and strategies within the Authority to ensure a cohesive and consistent approach. It reflects the Authority's partnership approach with its schools and consideration of the pupil's needs as a priority in all their dealings with pupils and families. The aim of these guidelines is to assist all staff in schools to deal effectively with challenging behaviour: to ensure that staff are protected from harm and to ensure that pupils are protected from any form of physical restraint or intervention which is inappropriate. These guidelines replace those of Welsh Office Circular 37/98 and provide direction on the powers of school staff to use force, as set out in Section 93 of the Education and Inspections Act 2006. These powers commenced in October 2010 and replaced section 550A of the Education Act 1996. This guidance should be seen within the framework of Welsh Assembly Government Circular, (47/2006):

Inclusion and Pupil Support:

<http://wales.gov.uk/topics/educationandskills/schoolshome/pupilsupport/inclusionpupilsupportguidance/?lang=en>

Welsh Office Circular 041/2010, (Safe and Effective Intervention)

The Welsh Assembly Guidance, ("Framework for Restrictive Physical Intervention Policy and Practice-March 2005"):

[http://www.positive-options.com/news/downloads/Welsh\\_Assembly\\_-\\_Framework\\_for\\_Restrictive\\_Physical\\_Intervention\\_Policy\\_and\\_Practice\\_-\\_2005.pdf](http://www.positive-options.com/news/downloads/Welsh_Assembly_-_Framework_for_Restrictive_Physical_Intervention_Policy_and_Practice_-_2005.pdf)

and the Department of Health "Guidance on restrictive physical interventions for people with learning disability and autistic spectrum disorder in health, education and social care settings":

[http://www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/@dh/@en/documents/digitalasset/dh\\_4068461.pdf](http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4068461.pdf)

## **Policy Statement**

1.1. The aim of this schools policy is to assist all staff in schools to deal effectively with challenging behaviour: to ensure that staff are protected from harm and to ensure that pupils are protected from any form of physical restraint or intervention which is inappropriate.

1.2. This policy provides direction on the powers of school staff in using force, as set out in Section 93 of the Education and Inspections Act 2006. These powers commenced in October 2010 and replaced section 550A of the Education Act 1996. This guidance should be seen within the framework of Welsh Assembly Government Circular 3/99, Inclusion and Pupil Support (47/2006), Welsh Office Circular 37/98, 41/2010, ("The Use of Force to Control or Restrain Pupils" "Safe and Effective Intervention") The Welsh Assembly Guidance, ("Framework for Restrictive Physical Intervention Policy and Practice-March 2005") and the Department of Health "Guidance on restrictive physical interventions for people with learning disability and autistic spectrum disorder in health, education and social care settings". In addition, it

should be considered alongside the overall suite of guidance on aspects including those for exclusions, tackling bullying and the SEN Code of Practice.

1.3. At “**Portfield School**” we work to ensure each individual pupil is able to reach his or her potential.

1.4. Every child is entitled to learn and every teacher is free to teach in an environment that is safe, secure and free from distraction. The guiding principles to achieve this should be established in the policy on positive behaviour management.

1.5. Staff of “**Portfield School**” are committed to providing the highest standards in protecting and safeguarding the welfare of children and young people entrusted to its care. We recognise there is a need to intervene when there is an obvious risk of safety to pupils, staff and property.

1.6. For the most part this is achieved through the fostering of good relationships, and the normal application of positive behaviour management to support and intervene. However, in exceptional or extreme circumstances this may involve the use of reasonable force.

1.7. It should be emphasised that if used at all, restraint (referred to in this document as **positive handling**) should be seen in the context of a further positive action of care and concern. In line with WAG guidance, it is used as a last resort option and in the most extreme cases, other strategies will always have been attempted first.

1.8. As best practice regarding positive handling this policy should be considered alongside other relevant school policies, specifically those involving behaviour, health and safety and child protection – Behaviour, Discipline & Anti-bullying policy .

### **What is The Legal Use of Restrictive Physical Intervention to Control Pupils?**

1.9. Teachers and other persons authorised by the Headteacher to have charge of pupils, may use reasonable force to prevent pupils:

- causing injury to themselves or others
- committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility)
- causing serious damage to property
- causing disruption by engaging in behaviour which is seriously prejudicial to good order and discipline.

#### **1.10. Reasonable force has no legal definition but:**

Staff must take into account the circumstances of the incident, age, sex, health issues and development of the pupil.

The degree of force must be proportional to the seriousness of the situation, behaviour or consequences it is intended to prevent, and always be the minimum force needed.

Force could not be justified for a trivial misdemeanour or a situation that could be resolved without it.

Everyone has the right to self-defence provided they do not use a disproportionate degree of force.

Corporal punishment is illegal.

### **Objectives Of This Policy**

1.11. To provide all staff, governors, parents and pupils with an understanding of care and control and the use of force.

1.12. To emphasise that the use of positive handling is: part of a positive care and control approach to discipline and welfare last resort, or a necessary expedient option to be used in extreme circumstances.

To ensure that all members of staff or authorised persons who may have to positively handle pupils clearly understand the options and strategies open to them.

To use minimum force, provide maximum care and resolve in minimum time.

### **Who Can Use Reasonable Force?**

We recognise that most of the time positive handling will be used infrequently, that is, as a last resort to maintaining a safe environment.

The staff to which this power applies are defined in section 95 of the Act. They are: any teacher who works at the school, and any other person whom the head has authorised to have control or charge of pupils.

- □ includes support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors;
- can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying pupils on school-organised visits);

### **Circumstances When Reasonable Force Might Be Appropriate?**

Before using force staff should, wherever practicable, tell the pupil to stop misbehaving and communicate in a calm and measured manner throughout the incident. Staff should not act out of anger or frustration, or in order to punish a pupil, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

Restrictive physical intervention is only to be used to prevent serious harm and is consistent with the promotion of an individual's welfare. The application of restrictive physical intervention must always be an option of last resort and must always be the minimum action necessary to manage the situation as safely as possible and taking account of any known health problems.

The types of force used could include:

- passive physical contact resulting from standing between pupils or blocking a pupil's path;
- active physical contact such as
  - i. leading a pupil by the hand or arm;
  - ii. ushering a pupil away by placing a hand in the centre of the back;

- in more extreme circumstances, using appropriate restrictive holds, which require specific expertise or training.
- Acceptable physical intervention might take the form of 3 levels:

LOW level - Incidents and events that constitute low level would include:

- Limitation of movement through the use of high level or double door handles.
- Leading by the arm
- Being held or assisted in maintaining a position e.g. sitting on a chair
- Use of reins, wrist straps, buggies for management and safety of the young person out of school (especially in the early years)
- Physically interposing him/herself between pupils or blocking a pupil's path
- Using classroom furniture to restrict movement

MEDIUM level - Incidents and events that constitute medium level would include:

- Removal of a young person from an activity
- Placing a young person in a chair or other confined area with the intention of limiting mobility
- Removal from an area of the classroom or playground
- Holding a self-injuring young person e.g. by the hands while they become calmer

HIGH level - Incidents and events that constitute high level would include:

- Using Team Teach methods in order to remove a pupil from a situation
- Restraining in chairs with one, two or three members of staff alongside maintaining an enforced control (one either side holding arms and one at feet)
- Holding a young person on the floor in a seated position using Team Teach procedures

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a pupil running off the pavement onto a busy road or preventing a pupil from hitting someone with a dangerous object.

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a pupil. Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

We recognise that some children may not be able to control their reaction to events as well as others and at times may place themselves or others at risk through their uncontrolled behaviour. As indicated previously, reasonable force might be appropriate when action is necessary in self-defence or because of imminent risk of injury. E.g.

- Pupil attacks a member of staff, another pupil, attempts self-injury, pupils are fighting

- Pupil running in a corridor in a way that is likely to cause injury to self or others
- Pupil absconds from a class or tries to leave school and who would be judged to be at risk if not kept in the classroom or at school.
- There is a serious and developing risk of damage to property, including the pupil's own property. e.g. pupil is causing or about to cause deliberate damage or vandalism
- Pupil is causing or at risk of causing injury or damage by accident, rough play, misuse of dangerous materials or objects

Where pupil's behaviour is seriously prejudicial to good order and discipline. E.g.

- Pupil persistently refuses to obey an order to leave the classroom;
- Pupil is behaving in a way that is seriously disrupting a lesson.

NB Wherever possible early support from colleagues will be sought. Single handed intervention increases the risk of injury to both parties and does not provide the person intervening with the support of a colleague acting as a critical friend.

Strategies other than force will be considered

Examples:

- Providing the disruptive pupil with a choice of locations to exit to;
- Giving clear directions;
- Allowing "take-up" time thus allowing a "face-saving" opportunity
- Removing the audience, i.e. requesting that other pupils leave the room;
- Implementing Team Teach help protocols so that another member of staff takes over the strategic lead of the incident, if he/she feels it is appropriate to do so.

### **Procedures and practical considerations during specific incidents**

Wherever practicable staff are expected to:

- Use a calm and measured approach;
- Tell the pupil to stop, remind them of consequences, tell them what will happen if she/he does not stop;
- Seek assistance from other colleagues at as early a stage as possible;
- Staff who become aware that another member of staff is intervening physically with a pupil have a responsibility to provide a presence, and to offer support and assistance should this be required;
- Try to defuse the situation orally and prevent escalation (**see Appendix A**);
- Try to remove the pupil from the peer audience;
- Attempt to communicate with the pupil throughout the incident;
- In as calm a manner as possible, explain that the reason for intervention is to keep the pupil and others safe;
- Make it clear that positive handling will stop as soon as the pupil calms and the risk assessment indicates it is no longer necessary;
- If it is not possible to control the extreme pupil without risk of injury to yourself or others, remove the other pupils who may be at risk and summon assistance.

It is good practice to:

- Give the impression you are in control;
- Give the impression you have not lost your temper or are not acting out of anger or frustration;
- Give the impression you are not trying to punish the pupil;
- Call for assistance;
- Intervene with the support of a colleague acting as a critical friend.

### **Application of force during specific incidents**

1.13. Methods that staff **may use** in appropriate circumstances where a risk assessment judgement supports this:

- Physically interposing themselves between pupils
- Blocking a pupil's path
- Using classroom furniture to restrict movement
- Leading by the arm
- Shepherding a pupil away by a light touch on the elbow or near the shoulder

“Assertive guiding” – remembering this is the positive application of force to control a pupil and would be used in rare circumstances, e.g. if the pupil is in extreme danger and no other alternative is available, or where reasonable force is used to assist a pupil's movement.

Holding – for security and to reduce anxiety where there is potential risk, even if the pupil is not yet out of control. The purpose is to defuse or prevent escalation.

When intervening staff should take care that their actions should in no way be capable of being interpreted as aggressive. All holds are devised to minimise the risk of injury. They should not cause pain.

Where pupils are presenting with more challenging behaviour which may require more restrictive holds, it is important that these techniques have been delivered by appropriately qualified Team Teach instructors in line with Team teach protocols.

“Team-Teach techniques seek to avoid injury to the service user, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that the service user remains safe”. (George Matthews - Director)

### **Situations where staff should not normally intervene without help.**

A member of staff should not intervene in an incident without help, unless it is an emergency. Schools should have communication systems that enable a member of staff to summon rapid assistance when necessary. Help may be needed in dealing with a situation involving an older or physically stronger pupil, a large pupil, more than one pupil or if the authorised member of staff believes he or she may be at risk of injury. In these circumstances he or she should take steps to remove other pupils who might be at risk and summon assistance from other authorised staff, or where necessary phone the police or management.

Staff **may not** carry out action that might reasonably be expected to injure by:

- Holding a pupil around the neck, or by the collar, or in any other way that might restrict the ability to breathe;
- Slapping, punching or kicking a pupil;
- Twisting or forcing limbs against a joint;
- Tripping a pupil;
- Holding or pulling the pupil by the hair.

As the Welsh Assembly Government categorically states, “**under no circumstances, should any individual ever be restrained in a face down position**” (Page 6 Framework for Restrictive Physical Intervention Policy and Practice”).

Other considerations for **non urgent situations** where the risk to people or property is not imminent:

- Consider carefully whether positive handling is the right course of action
- Try to deal with the situation through other strategies before using force
- Try to defuse and calm the situation to establish good order; the use of positive handling could lead to an escalation of the problem
- Take into account the age, understanding, personal characteristics of the pupil and any medical conditions e.g. brittle bones
- The use of positive handling to enforce compliance is likely to be increasingly inappropriate with older pupils
- Never use force as a substitute for good behaviour management

In non-urgent situations force should only be used when all other methods have failed.

### **Reporting and Recording Incidents**

Should an injury occur as a result of an incident at school, immediate steps will be taken to secure appropriate medical attention. This will be reported and recorded in accordance with Pembrokeshire LA policy.

All incidents that result in restraint (where a child has to be held) will be recorded and the Positive handling plan reviewed accordingly.

Restraint is “**the positive application of force with the intention of overpowering the client**” (DOH 4/93 Section 5.2). Welsh Assembly Government (March 2005) guidance defined the term “Restrictive physical interventions” as “*direct physical contact between persons where reasonable force is positively applied against resistance, either to restrict movement or mobility or to disengage from harmful behaviour displayed by an individual*”

The member of staff concerned will report the matter orally to the Head or senior management immediately. If needed, the staff member should be provided with an appropriate amount of time to complete the documentation. The incident will be recorded by staff at the earliest opportunity.

Staff may wish to seek advice from a senior colleague or their professional association when compiling a report. A written report should be completed within 24 hours of the incident’s occurrence, and should be signed and dated. Staff are advised to keep a copy of the report for themselves.

The Head or his/her deputy/assistant head will tell parents about the incident by the end of the school day. However, if parents cannot be reached a letter will be sent to inform them of the incident and offer them the opportunity to discuss the matter.

Other witnesses to the incident, staff, pupils, will also witness the reports. These will be signed and dated.

A record log will be kept of any occasion when or as part of incidents in general e.g. slapping adult etc positive handling is used (except minor or trivial incidences).

When positive handling has been used and pupils have been held using techniques, e.g. the wrap, single or double elbows, reports will also be completed and signed by the member(s) of staff involved. The Incident Report will be signed by the Head teacher. The Incident Book will be reviewed by the Headteacher and the Local Safeguarding Children Management Group, on at least an annual basis to consider control measures and possible training or further training needs etc.

A copy of the report will be placed in the pupil's file.

### **Debrief Following Serious Incident**

Pupils and members of staff will be checked for any sign of injury and first aid will be administered if required

The pupil and staff member/s involved will be given time to become calm while staff continue to supervise him/her. When the pupil regains complete composure, a senior member of staff will discuss the incident with the pupil and try to ascertain the reason for it. The pupil will be given the opportunity to explain things from his/her point of view. All necessary steps will be taken to re-establish the relationship between the pupil and the member(s) of staff involved in the incident. In cases where it is not possible to speak to the pupil on the same day, the debrief will occur as soon as possible after the pupil returns to school where appropriate this will depend on an individual's abilities.

All members of staff involved will be allowed a period to debrief and recover from the incident. This may involve access to external support. A senior member of staff will provide support to the member of staff involved.

### **Other Procedures Concerning Incidents**

In addition to reporting incidents to the Local Safeguarding Children Management Group, the governing body should be informed of incidents on, at least, a termly basis. Help, support and reassurance will be given where appropriate to any individual/s involved.

Where possible an attempt will be made to help the pupil modify their behaviour.

Where possible, the pupil should apologise, this should be meaningful or appropriate. If this cannot be undertaken then other consequences/sanctions reparations and monitoring should take place.

In extreme cases exclusion could be considered.

### **Planning for Incidents and Meeting Training Needs**

If we are aware that a pupil is likely to require positive handling on more than one occasion we will plan how to respond in line with Team teach protocols and guidance. This will include involving the parents and any other relevant person to ensure they are clear about what specific action we might need to take and obtaining medical advice if the child has any specific health needs. A risk assessment and a positive handling plan will be drawn up, in consultation with all concerned and included as part of the pupil's Individual Educational Plan (IEP). It will be regularly reviewed by the class teacher or assigned member of Senior Management on a termly basis.

Staff involved will, through risk assessment, have identified their training needs in this area. In cases where it is known that a pupil will require positive handling appropriate training will be provided.

### **Arrangements for Informing Parents**

A section about the school's legal duty to maintain a safe environment and the possible use of positive handling (as a very last resort) with pupil will be included in the school prospectus.

For some children there may be the need to use specific techniques to routinely manage their challenging behaviour. This will be recorded in their Positive Handling Plan. Such arrangements will be fully discussed with parents/carers, on an individual basis, in advance of their implementation. All intervention will be routinely recorded and monitored.

All parents will be informed by telephone and in writing after an incident where positive handling is used with a pupil.

The school will ensure that a record of the communication is made, with a copy of the written communication kept in the pupil's file.

Please see **Appendix B** our Student/Parent guide to School Policy on Positive Handling Strategies.

### **Physical Contact With Pupils In Other Circumstances**

Staff must be sensitive to matters relating to culture and gender issues and any known individual characteristics or special circumstances relating to pupils.

Some physical contact may be necessary e.g. during P.E. lessons, sports coaching or CDT, or if a member of staff has to administer first aid or medication.

Young children and children with SEN may need staff to provide physical prompts or help, physical contact must always be age appropriate and done openly. -

### **Staff Training**

Portfield School uses Teamteach and links this training with PSD policy. As with other forms of professional development, decisions about training in physical intervention are best made by individual schools in the light of their particular needs and circumstances. The Headteacher will ensure that any such training is current and in line with local policy guidance.

## **Use of Time Out/Withdrawal Areas/Rooms**

### **1. INTRODUCTION**

**Restrictive physical intervention and time out are not a substitute for good behavioural management practice where a variety of approaches, techniques and support systems are put in place to manage children and young people positively.**

There are a wide range of reasons why it is essential for pupils to spend some time outside their usual classroom. These may include:

- Additional and/or alternative curriculum activities or learning programmes that may be individual or small group work
- specific enhanced arrangements for individual or small groups with specialist staff such as for SEN, Language assistants or Music.
- provision for speech and language therapy, physiotherapy, school nurses and school-based counselling
- access to sensory rooms as part of a specific programme for individuals who have additional needs or as part of a sensory curriculum for groups of children as part of, for example, the Foundation Phase
- areas of the school used for pupils who have demonstrated challenging or disruptive behaviour and, as part of a whole school approach to positive behaviour, pupils may be placed outside their classroom.

### **2. MANAGING CHALLENGING BEHAVIOUR**

There are different contexts applied to placement for behaviour related issues. These include:

#### **Time –Out**

**“Restriction of pupil access to all positive reinforcements as part of a behavioural programme.”**

*Joint guidance from the Department of Health and DFES (July 2002)*

Time-out is delivered as part of a behavioural programme or support plan and might include:

- Preventing a person being involved in the activities which reinforce their inappropriate behaviour until the behaviour stops and the person engages appropriately.
- Allowing/asking/instructing the person to leave the activity and return when they feel ready to be involved and stop the behaviour that is of concern.
- Accompanying the person to another setting and preventing them from taking part in the activity they were undertaking/participating in for a set period of time.

Facilities to deliver time-out in these contexts can be wide ranging. They fit into 2 broad types of facility in general:

### **Seclusion**

**“Seclusion involves separating an adult or child against their will, restricting freedom of movement and forcing them to spend time alone.”**

*Joint guidance from the Department of Health and DFES (July 2002)*

Seclusion is viewed as a behavioural management tool to assist in the short term management of specific behaviour. It is implemented to eliminate high risk behaviour.

### **Quiet areas**

Essentially these are places where children spend time away from other pupils supervised by a member of staff (in most cases), and are either allowed time to talk or given appropriate activities to complete. Often schools use open areas or corridors for this purpose.

Generally this is used as a **positive strategy** to help more vulnerable pupils identify their own systems for calming themselves and managing their emotions effectively through encouraging use of the facility as and when necessary. Rooms used in this way are acceptable practice in supporting the education of the child.

In these settings, these areas are utilised as a sanction for a number of reasons such as to reduce the risk of escalation of incidents or as a response to unacceptable behaviour.

**Time-out rooms** – also known as Quiet Space, Safe Haven, Withdrawal Rooms, Low Arousal Room.

Time-out rooms, designed to deliver a time-out experience must not be confused with the practice of seclusion. Under no circumstances should a time-out room be used to deprive a person of their liberty; this would constitute a breach of a child’s human rights. Most Secondary schools have Internal Exclusion Units (IEUs) that operate as a classroom environment, where pupils go to be supervised and complete their work away from the main class. These are good examples of the use of “time-out” and are entirely appropriate.

**In very exceptional cases** a very small minority of pupils with extreme behaviours can present severe risks to other pupils, to themselves, and staff and so there will be occasions (**after all other strategies have failed**) when some form of separation is the only viable option available, to defuse and calm pupils and so ensure the safety of **all** concerned. Children should not ordinarily be left on their own

**Any rooms that are used for time-out must adhere to the following guidelines:**

1. Rooms must have natural light (windows) and ventilation.
2. Rooms must not be locked when used for time out. If the room needs to have a lock for security purposes (other than use as time out), it must be fitted with an internal thumb release mechanism.
3. Rooms must be a minimum size (no less than 8 square metres), unless they are designed for certain Special needs purposes (e.g. Autism), where they must meet the prescribed industry standards.
4. There must not be padding on any walls or doors unless this is specifically required to ensure the safety of pupils with severe or complex needs.
5. Pupils must be supervised at all times in such rooms.
6. All use of such rooms must have a comprehensive logging system to record use.

There is much confusion between seclusion and withdrawal rooms. There are occasions when withdrawal may be used for a practice which is closer to seclusion

The key distinguishing factors between the two forms of practice are:

<b>Withdrawal Room</b>	<b>Seclusion</b>
Voluntary or directed access	Involuntary access to the room
Accompanied / Supervised	Unaccompanied
Able to leave the room independently	Unable to leave the room independently
	People watch or monitor from outside the room.

## **Seclusion**

In the absence of national guidance for schools governing the use of seclusion a working party from Cardiff LEA have agreed the principles that are outlined in this section.

### Seclusion

- Must be subject to the same considerations as for Restrictive Physical Intervention
- Should only be viewed as an option when there is no other viable alternative to ensure the safety of those involved. Again it must be emphasised that this is the end phase of an intervention process where de-escalation strategies are the starting point.
- Its use will be infrequent and the circumstances will be exceptional.

Seclusion should not be included in a school's behaviour management policy as a strategy that is routinely used with pupils.

It is expected that schools will complete a Risk Assessment for those pupils whose history behaviourally and emotionally indicates that presentations of exceptionally challenging behaviour maybe likely. Additionally prior to use, any potential seclusion room needs to be subject to a thorough health and safety assessment and all risks eliminated e.g. dangerous materials, points of ligature

### **Parents and carers**

- Must be fully informed of the risk assessment outcomes and the school's views about the possible need for seclusion as a protective measure. Their informed and written consent must be given
- Must be notified of each and every occasion where seclusion has been necessary with full details of the incident. This could be achieved through sending them a copy of a completed record form ( appendix 4) or done separately. The information given should include the date and time of the incident, behaviour that necessitated the seclusion and brief details about how long it lasted and who was involved. Where there is CCTV footage parents should be informed of this.
- Should be closely involved and consulted about the planning, monitoring and review of their child's progress and management in school.

### **Management of seclusion**

Seclusion must only be implemented when at least two members of the staff team have agreed it is necessary to ensure the safety of the

- pupil
- other pupils
- staff

Any decision will need to take account of relevant contextual factors such as the child's ability level, previous history behaviourally and emotional circumstances

At all times steps should be taken to avoid the possibility of cross gender management conflicts i.e. two male members of staff with a female pupil

Care must be taken in the movement of the child into a place of seclusion, should restrictive physical intervention be required then all necessary procedures in accordance with the principles of Team Teach must be followed.

It is the professional responsibility of staff to ensure that an individual is monitored and cared for throughout an incident. The best option is the use of CCTV with an audio facility as this will support a full retrospective analysis of incidents as well as allowing agencies and parents or carers to monitor practice. In the absence of CCTV equipment then as a minimum a sizeable viewing window is necessary to facilitate close observation of the child throughout.

Under no circumstances should children and young people be left in seclusion beyond the point where it is absolutely necessary and in the best interests of the individual. At least two members should remain involved at all times and work together on making decisions about the ending of the seclusion period. It is recognised that decisions are dependent on professional judgements but as a general rule this should not go beyond **15** minutes. If it is necessary to exceed this then a member of the Senior Management Team of the school or setting should become involved and give their authorisation to the seclusion. Staff need to be aware that for some pupils extended periods of seclusion can be counter productive in trying to de-escalate situations and calm children.

Pupils should leave seclusion when it is evident through their behaviour that they have calmed and no longer present a risk. Throughout the period of seclusion the adults involved need to remind the pupil of this.

An important element of the planning for identified pupils is work to ensure their understanding of the above and support in the development of more appropriate strategies of emotional regulation. This will be best done at times when the child is calm and emotionally secure.

### **Staff Training and support**

Those who are involved, or likely to be, in the implementation of seclusion need to be fully aware of the implications of its use in terms of the emotional consequences for those involved, as well as the advice and information contained in this guidance.

Training needs to emphasise that this is only the final stage of an intervention process and that other strategies to defuse and manage a situation more positively should be put in place first ( Appendix 1)

Additionally wherever possible all should have appropriate training which typically would be the additional module of the Team Teach training programme. Where this is not the case, for example where someone is employed on a supply basis, as a minimum at least one member of staff should be fully trained.

All team members must have access to relevant professional supervision and support

### **Action following incidents**

It must be recognised that an incident that results in the need for seclusion will be distressing for all concerned. Once the situation has calmed then it is important that appropriate actions are taken.

- First and most importantly should there have been an injury then basic first aid or if necessary medical help must be sought. Injuries should be recorded and reported in accordance with school procedures. Schools should take action to report injuries to staff or pupils in accordance with RIDDOR ( Reporting of

Injuries, Diseases, and Dangerous Occurrences Regulations 1995 website:  
[RIDDOR - what is RIDDOR? \(www.hse.gov.uk\)](http://www.hse.gov.uk)

- Secondly attention needs to be given to emotional needs that may arise. All those involved (including the child) should be offered emotional support and/or an incident debrief following an incident. Support may be provided by a number of colleagues: the classroom support team; a mentor on the school staff; a member of the Senior Management Team or if required by a representative from an LEA Support Service.
- 
- All incidents must be recorded using the serious incident form (Appendix four). Best practice would also include an entry into a Team Teach log.
- Finally parents and carers should be informed as soon as possible after the incident

Given the seriousness around the use of seclusion, and the need to minimise its use to the fullest degree possible, a longer term response is for schools to review the individual plans for the pupil to ensure that their needs are being met fully and steps are in place to support them in developing alternative strategies and ways of behaving.

Should the need to utilise seclusion be repeated then a multi agency team must be established to monitor practice and support the school in the management of the pupil. [Repeated is defined as a maximum of three occasions in any setting over any six week period]. It is expected that within this team there will be representation from health and social services if the pupil is known to these agencies.

### **Child Protection**

Wherever there is any indication of possible contentious issues around Child Protection matters then guidance needs to be sought from the LEA Safeguarding Team. In particular where there are specific child protection concerns the Intake and Assessment team should be contacted in accordance with procedures and guidelines.

### **Preventative Measures**

It is recognised that preventative strategies may not always work however it is vital that, at all times and in all situations, staff make every effort to implement preventative measures

Steps that may help include:

- A school ethos that is calm, orderly and supportive, where pupils feel respected and valued as individuals

- The development of effective and positive relationships between pupils and staff
- Curriculum work that addresses social and emotional teaching – the SEAL ( Social and Emotional Aspects of Learning) is one example of a programme that has been positively evaluated
- A proactive and structured approach to staff development which includes: positive behaviour management; anger management and conflict resolution; emotional literacy and wellbeing
- Auditing school and class levels of emotional health and wellbeing
- Monitoring and analysis of data of problem situations
- Ensuring individual and special needs are met appropriately
- Establishing clear and robust systems of communication between staff so that any increase in difficulties with a particular individuals is identified early and appropriate responses made
- Understanding the causes of difficulties experienced by an individual and dealing with these rather than just the resulting behaviours

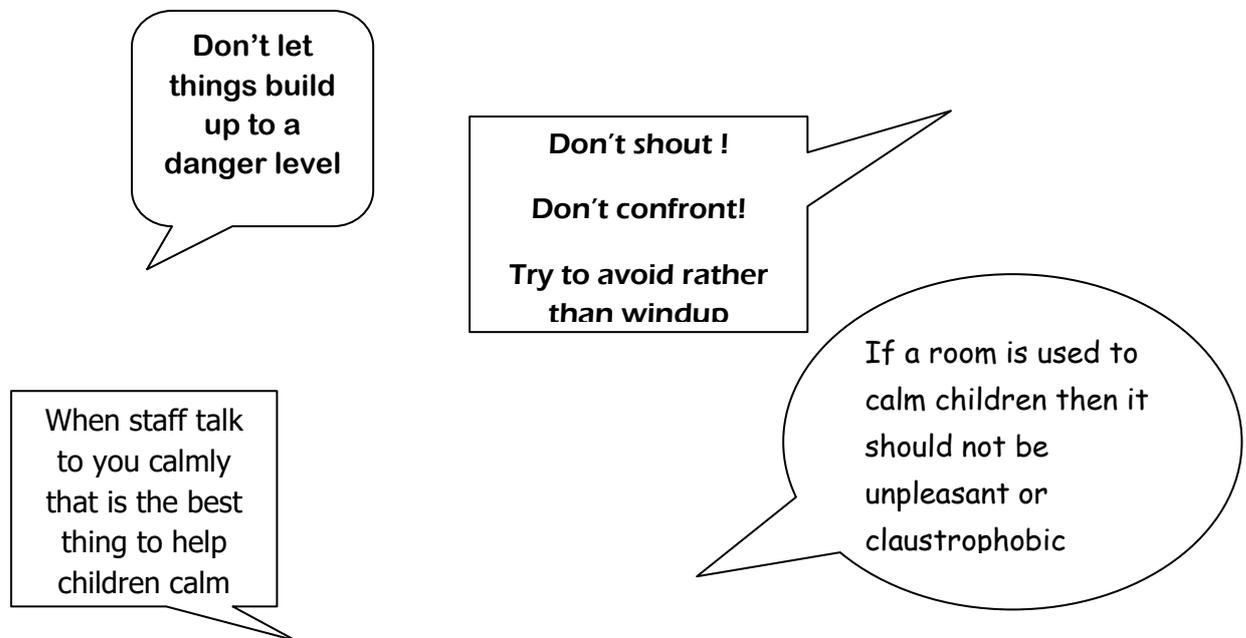
*Appendix one also outlines strategies that will help in de-escalation*

### **Childrens Views on Use of Restraint**

It is important when we are considering matters such as this that we take account of the views of children and young people, however the information around this is rather limited.

One of our special schools completed a survey using a questionnaire given to their pupils. The outcomes were mixed for example 50% of the pupils who had been **placed** in seclusion thought it had been helpful, compared with the 78% who had **chosen** to use it as a withdrawal room. Again 50 % thought its use had helped to calm pupils and the same percentage thought an adult being present helped them to feel calmer.

In 2004 outcomes from a larger scale national survey on restraint was reported by Roger Morgan the director of Children's Rights, some of the comments from children were:



Although this study looked at restraint and focused very much on those children at the extreme end of the spectrum (residential children homes and schools) the messages were clear. The children accepted that sometimes, and for some children, practices such as restraint were necessary but thought that staff needed to be trained; that they should do more to avoid the build up of a situation and it should only be a last resort.

### **Conclusion and Summary**

Whilst the majority of children and young people are generally settled, happy and able to control their behaviour independently it is recognised that there are a small minority of pupils who find emotional regulation much more difficult. This guidance sets out to support those adults who work closely with this group in order to be clear about what is good practice and assist them in their work.

It has been prepared by a working party of school practitioners and local authority support staff, additionally consultations have taken place with a wider group of colleagues in Health and Children Services and legal advice has been sought.

The conclusions are:

- All those who work with children who are challenging should be aware of the distinction between the practices of seclusion, time out and withdrawal rooms
- If there is any likelihood that a school or setting will need to employ either restrictive physical intervention or seclusion then they must be prepared. Risk assessments on vulnerable pupils should be completed, protocols written and staff trained. Parents and carers must be kept informed.

- The emphasis is very much on avoiding the use of either of these interventions where ever possible. 'Exceptional circumstances' 'last resort' prevention and avoidance are very much the key vocabulary.
- Practice has to be based on the adults involved making a judgement call on what is in the best interests of those concerned which can result in staff being vulnerable to accusations of malpractice. The guidance outlined here has been drawn up with this in mind. It is essential that **all** aspects are adhered to in **every** incident where the use of seclusion or restrictive physical intervention has been necessary

## **FUTURE ARRANGEMENTS**

There will be times when it is totally appropriate for a school to add to or amend its arrangements for the use of rooms and spaces outside the main classrooms. This could be as a result of changes in demographics or in the curriculum and support needs of pupils.

When a change in the use of accommodation that affects the delivery to children is being planned, it is essential that headteachers work closely with their governing body to explain the proposed change and to receive the agreement of the governing body or relevant committee. It would be good practice for the governors to visit the accommodation and approve the proposal.

It is also essential that the local authority are made aware of the proposal and are able to agree to both the purpose and context of the change including any implications for safeguarding. The school should write to the Director of Education who will action a joint Directorate review of the proposal with Social Services. The Director of Education must issue written approval before the change to the use of such accommodation can commence.

Governing Bodies must monitor the use of any time-out rooms on an annual basis. This should be undertaken as part of the standing agenda item on safeguarding to the Governing Body. The Headteacher's report will indicate:

1. How rooms have been used.
2. Any change of use or structure of rooms.

Please refer to Local Authority guidance in Section 1, Appendix 1 and 2.

## **Complaints**

This policy is in accordance with the WAG Guidance 03/2004, Circular 01/2004 and 47/2006; as such, those acting in accordance with it, providing they act in good faith, working within the authority guidelines, will be positively supported in their actions.

Involving parents when an incident occurs, and having our clear policy about physical contact with pupils that staff adhere to will help avoid complaints from parents. Providing staff with approved training will also help.

All complaints will be recorded and followed up by the Headteacher or their representative in the first instance. Where appropriate the Authority will be notified/kept informed.

A complaint or dispute about the use of force by a member of staff might lead to an investigation under disciplinary procedures or by the Police under Child Protection procedures.

## Appendix A

### **Approaches to de-escalation of incidents**

#### **A ) General strategies**

It is important to remember that the manner in which a situation is approached might make the use of physical intervention unnecessary.

It may help to:

- Move calmly and confidently
- Relate to the age, language levels and understanding of the child or young person
- Offer the individual a chance to communicate and listen carefully
- Make simple clear statements to the child or young person;
- Maintain a quiet, firm and assured tone of voice
- Reduce the threat of physical presence by sitting down or allowing the child or young person space, e.g. backing off
- Be aware of body language and posturing that could be seen as being provocative
- Offer a constructive alternative activity
- Explain the consequences of refusing to stop
- Talk to the child or young person all the time
- Offer comfort, reassurance and security
- Try to calm using reassurance, empathy, redirection, incentives and rewards
- Maintain eye contact
- Allow the child or young person to save face;
- Seek adult assistance
- Judge the risk of potentially increasing disruption as a consequence of physical intervention
- Remove others away from the child or young person.

Once the situation is moving towards being out of control, your anxiety may also start to rise. Learn to recognise and respond to this by trying to calm yourself.

- Breathe deeply.
- Take time to react.
- Control/monitor your verbal responses (use simple language).
- Control/monitor your non-verbal responses (tone of voice, posture, facial expression).

It may not be helpful to:

- Give complex advice or instructions;
- Speak quickly and loudly;
- Trap a child or young person or stand too close;

- Attempt to reason by asking questions;
- Consider physical intervention to enforce compliance of an older or physically large child or young person, or when others present may be at risk of injury.

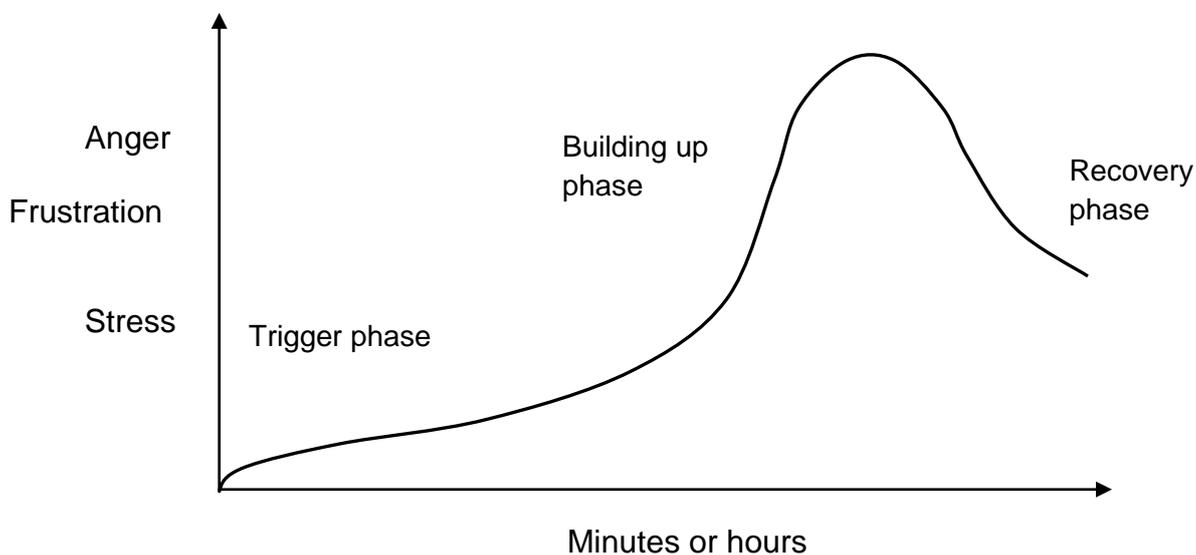
Also:

- Remind yourself of your plan for management.
- Always have plan B at the ready

*Other children or young people should never be involved in intervention.*

## **B) The typical pattern of an uncontrolled emotional incident outburst**

Most major incidents do follow a similar pattern of three phases which, if understood and responded to appropriately can be helpful in avoiding an escalation.



The critical point for averting the explosion is the trigger phase. Beyond this as the child's level of anxiety, anger and frustration increases attempts to avert the incident will be less and less successful

## APPENDIX B

### **Student/Parent guide to School Policy on Positive Handling Strategies.**

**NOTE:** This guide has been written so that all students and parents understand the school policy on the use of positive handling strategies. **The full policy is available from the school.**

The aim of this schools policy is to help staff in schools;

1. to deal effectively with challenging behaviour:
2. to ensure that staff and pupils are safe from harm and,
3. to ensure that pupils are protected from any form of positive handling which is inappropriate.

At school we work to ensure each pupil is able to reach his or her potential. Every child has a right to learn and every teacher is free to teach in an environment that is safe, secure and free from distraction. To achieve this we have the policy on positive behaviour management (positive handling strategies).

Staff aim to provide the highest standards in protecting and safeguarding the welfare of children and young people in their care. We accept there is a need to intervene when there is an obvious risk of safety to pupils, staff and property.

For the most part this is achieved through building good relationships, and the application of positive behaviour management to support and intervene. However, in extreme cases this may involve the use of positive handling.

If used at all, positive handling should be seen as a further positive action of care and concern. It is used as a last resort option and in most cases, other strategies will always have been attempted first.

It will be never used as a punishment

#### **Who Can Use Positive handling strategies?**

Positive handling will be used rarely, that is, as a last resort to maintain a safe environment.

**Any teacher who works at the school, and any other person whom the head has authorised to have control or charge of pupils** can use positive handling methods.

This does not include prefects

### **When are Positive handling strategies most likely to be used?**

Before using positive handling strategies staff should, wherever possible, tell the pupil to stop misbehaving and talk to them in a calm and measured way throughout the incident. **Positive handling strategies must always be an option of last resort and must always be the minimum action necessary to manage the situation as safely as possible and taking account of any known health problems.**

The types of force used in positive handling could include:

- passive physical contact resulting from standing between pupils or blocking a pupil's path;
- active physical contact such as
  - i. leading a pupil by the hand or arm;
  - ii. leading a pupil away by placing a hand in the centre of the back;
- in the most difficult cases, using appropriate holds, which require specific expertise or training.

All incidents that result in positive handling (where a child has to be held) will be recorded in detail using an incident report, or if a Positive handling plan is in place, then a record of the incident will be recorded and the Positive handling plan reviewed.

The member of staff concerned will report the matter to the Head or a senior member of staff as soon as possible. The Head or his/her deputy will tell parents about the incident by the end of the school day. However, if parents cannot be reached a letter will be sent to inform them of the incident and offer them the opportunity to discuss the matter.

The pupil involved will be given time to become calm while staff continue to supervise him/her. The pupil will be given the opportunity to explain things from his/her point of view. All necessary steps will be taken to re-establish the relationship between the pupil and the member(s) of staff involved in the incident. In cases where it is not possible to speak to the pupil on the same day, this will happen as soon as possible after the pupil returns to school.

Help, support and reassurance will be given where appropriate to any individual/s involved. Where possible an attempt will be made to help the pupil change their behaviour for the better

Where appropriate, the pupil should give a full and proper apology. If this cannot be undertaken then other consequences/sanctions should take place. In serious cases exclusion could be considered.

For some children there may be the need to use specific techniques to routinely manage their challenging behaviour. This will be recorded in their Individual Education Plan (IEP)/Behavioural Plan, Positive Handling Plan or Pastoral Support Plan (PSP). Such arrangements will be fully discussed with parents/carers, on an individual basis, in advance of them being used. All intervention will be recorded and monitored.

All complaints in relation to the use of positive handling strategies will be recorded and followed up by the Headteacher or their representative. Where appropriate the Local Authority will be notified/kept informed.

A complaint or dispute about the use of force by a member of staff might lead to an investigation under disciplinary procedures or by the Police/Social Care under Child Protection procedures.

The policy will be regularly monitored, reviewed and updated by the Head and Governors annually. The Local Authority and Pembrokeshire Safeguarding Children's Board will also monitor the use and effectiveness of this policy through the receipt of annual reports from appropriate Education professionals.

**PEMBROKESHIRE COUNTY COUNCIL**

**CYNGOR SIR BENFRO**



**Education Services**

**POLICY & GUIDANCE FOR POSITIVE HANDLING  
STRATEGIES FOR PUPILS IN SCHOOLS AND OTHER  
EDUCATIONAL SETTINGS**

October 2012

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## SECTION 1

### Policy document-Context

In addition, it should be considered alongside the overall suite of guidance on aspects including those for exclusions, tackling bullying and the SEN Code of Practice. This document should be read in conjunction with the All Wales Child Protection Procedures 2008 which have been issued to schools. Section 61 of the School Standards Framework Act 1998 requires that all schools have pupil behaviour and discipline policy. Pembrokeshire County Council considers it vitally important that all schools have a clearly articulated whole school behaviour policy from which procedures for the management of challenging behaviour are devolved and which is explicitly shared with governors, parents and pupils. These guidelines are issued as guidance to ensure that there is an overall standard framework and consistent policy across all schools and educational centres which is to be adhered to in relation to physical restraint/intervention. It is recommended that such policies are reviewed annually.

### Principles in the use of Restrictive Physical Interventions

***“direct physical contact between persons where reasonable force is positively applied against resistance, either to restrict movement or mobility or to disengage from harmful behaviour displayed by an individual”***

It is very important to ensure that all possible preventative steps have been taken to negate the need for physical intervention. The use of physical intervention should be viewed very much as the final option.

**Restrictive Physical Intervention should be an act of care and control, not punishment.**

Every effort should be made to ensure that wherever possible **at least 2 members of staff** are present before applying physical intervention. If this is not possible, intervention should not be delayed whilst further assistance is being sought. Schools should be pro-active in resolving how staff can support each other and such schemes should be made clear in school policy documents.

Any physical intervention should involve the minimum degree of force, maximum care and the minimum amount of time necessary.

Physical intervention is only for use in extremely rare circumstances. Staff in mainstream schools would not be expected to use restrictive physical intervention strategies other than in exceptional circumstances.

Some examples of situations where reasonable force might be used are:

- to prevent a pupil from attacking a member of staff, or another pupil, or to stop a fight between two or more pupils;
- to prevent a pupil injuring themselves, or placing themselves in danger or at risk of injury;
- to prevent a pupil causing serious, deliberate damage to property;
- to prevent a pupil causing injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- to ensure that a pupil leaves a classroom where the pupil persistently refuses to follow an instruction to do so;
- to prevent a pupil behaving in a way that seriously disrupts a lesson; or

- to prevent a pupil behaving in a way that seriously disrupts a school sporting event or school visit.

### **What the law says**

Section 93 of the Education and Inspections Act 2006, replaced Section 550A of the Education Act 1996 and enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- causing personal injury to, or damage to the property of, any person (including the pupil himself); or
- prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise

The staff to which this power applies are defined in section 95 of the Act. They are:

- any teacher who works at the school, and any other person whom the head has authorised to have control or charge of pupils. This includes
  - i. support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors;
  - ii. people to whom the head has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff).
  - iii. it does not include prefects.

Those exercising the power to use force must also take proper account of any particular special educational need (SEN) and/or disability that a pupil might have. Under the Equality Act 2010 schools have key duties:

- not to treat a disabled pupil less favourably, because of his/her disability, than a non-disabled pupil;
- not to treat a disabled pupil unfavourably because of a reason related to their disability, without justification; and
- not to apply a provision, criterion or practice that puts or would put a disabled pupil at a particular disadvantage compared with a non-disabled pupil, without justification; and
- to take reasonable steps to avoid putting a disabled pupil at a substantial disadvantage in comparison with a non-disabled pupil (known as the reasonable adjustments duty).

The power may be used where the pupil (including a pupil from another school) is on school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour.

However, deciding whether misbehaviour is trivial also depends on circumstances. For example, running in a corridor crowded with small children where there is a real danger of knocking them into walls or down steps may be dangerous enough not to be regarded as trivial.

The statutory power conferred by Section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence, to prevent another person from being injured or committing a criminal offence. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is only available to people authorised to have control or charge of pupils.

Section 93 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

Reasonable force may also be used in exercising the statutory power, introduced under Section 45 of the Violent Crime Reduction Act 2006, to search pupils, without their consent, for weapons. This search power would apply to head teachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force could be used by the searcher and/or the second person required to be present at a search. However the Welsh Assembly Government strongly advises schools not to search pupils where resistance is expected, but rather to call the police.

**It is always unlawful to use force as a punishment.** This is because it would fall within the definition of corporal punishment, abolished by Section 548 of the Education Act 1986.

Under the Children Act 1989 any practice or measure, such as time out or seclusion which prevents a child from leaving a room or building of his/her own free will may be deemed “a restriction of liberty”. Such a restriction of liberty is only permissible under very specific circumstances. The 1996 Education Act may well give this lawful excuse but this would depend upon the particular circumstances. Seclusion (where a child is forced to spend time alone against their will) involves restricting a person’s freedom of movement, it should also be considered as a form of restrictive physical intervention

### **Time Out**

This involves restricting positive reinforcement as part of a planned behaviour programme. The use of “time out” should be included within an agreed plan e.g. an individual behaviour plan.

### **Withdrawal**

This occurs when a person is removed from the situation but observed and supported until they are ready to resume.

### **Use of prone restraints**

The Welsh Assembly Government is categorical in its advice and guidance on this issue and states that **“under no circumstances, should any individual ever be**

***restrained in a face down position***” Page 6 “Framework for Restrictive Physical Intervention Policy and Practice”.

### **Legislative base**

Any form of corporal punishment is unlawful. This was banned under the 1986 Education Act No.2. It is therefore unlawful for any member of staff to use any degree of physical contact which is deliberately intended to punish a child or young person or which is intended to cause pain, injury or humiliation

### **Health and Safety**

The use of restrictive physical intervention as a Positive Handling Strategy is a health and safety issue. The Local Authority expects the Restrictive Physical Intervention to be positive handling techniques. Schools are legally obliged to take reasonable steps to safeguard the health and safety of pupils and staff.

The Management of Health & Safety at Work –Operative (Section 2(2)c) 1st January 1993 states that an employer “Has an absolute obligation irrespective of cost, time or inconvenience to provide such supervision, instruction and training to ensure the health & safety at work of employees.”

Teachers, employers are required to do all that is reasonably practicable to safeguard the health and safety of pupils whose actions are putting themselves and others at risk.

### **Risk assessments**

Leadership teams are advised to assess the frequency and severity of incidents requiring use of force that are likely to occur in their school. Historical patterns usually provide a good starting point. These assessments will help to inform decisions about staff training. Headteachers will report to the Governing Body each term on safeguarding matters (including the frequency and nature of incidents). This will be collated by the Local Authority and reported to the PSCB on an annual basis.

Schools may also need to make individual risk assessments where it is known that force is more likely to be necessary to restrain a particular pupil, such as a pupil whose SEN and/or disability is associated with extreme behaviour. An individual risk assessment is also essential for pupils whose SEN and/or disabilities are associated with:

- communication impairments that make them less responsive to verbal communication;
- physical disabilities and/or sensory impairments;
- conditions that make them fragile, such as haemophilia, brittle bone syndrome or epilepsy; or
- dependence on equipment such wheelchairs, breathing or feeding tubes

### **Educational Needs**

Children have rights, including the right to an appropriate education. For some children, this right may be compromised by inappropriate behaviour.

Some children will display challenging behaviour, which may or may not be associated with a disability. Some challenging behaviour can place the pupil and others at serious risk because of its intensity, frequency and duration.

In order to protect a child from harming him/herself or others, or seriously damaging property, the application of force in the form of physical intervention may be necessary particularly when a pupil may not be capable of understanding danger.

## APPENDIX 1

**Welsh Government Guidance for Effective Practice in Schools** – This guidance is based on Welsh Government guidance circular document No: 041/2010, “Safe and Effective intervention – use of reasonable force and searching for weapons”

### **Policy and procedures**

Every school should have an explicit policy on the use of reasonable force to control or restrain pupils, which is a consistent document across all County schools and relevant service areas and that adheres to the framework above (see Model Policy Section 4). It is also good practice for governors, staff, recognised trade unions, pupils and those with parental responsibility to be consulted about the policy and for the policy to be approved formally by the LSCB and relevant Governing Body and made known to staff, pupils and parents either as part of the school's behaviour policy or separately.

As the statutory power to use force would be held by individual members of staff, no school should have a policy of 'no physical contact' because this would make staff members feel deprived of that power or hinder their exercise of it.

It would be sensible for a school's policy on the use of force to describe both the kinds of circumstances the school regarded as justifying the use of force to restrain a pupil (for example, to prevent them injuring somebody) and the kinds of circumstances the school regarded as justifying the use of force to require a pupil to comply with a reasonable instruction (for example, to leave the classroom). All staff - authorised and unauthorised - need to understand their powers and the options open to them. They need to know what is acceptable and what is not. Similarly, all pupils should be made aware of what powers are available to school staff and the circumstances under which this power could be used.

A school's policy on use of force should be consistent with but not necessarily part of its behaviour policy. The Welsh Assembly Government guidance on the promotion of positive behaviour and school behaviour policies can be found in the Inclusion and Pupil Support Circular 47/2006. It should also be consistent with the All Wales Child Protection Procedures 2008 and health and safety.

A school's policy on the use of force should describe examples of:

- the different approaches which should be used prior to force being used;
- the circumstances which the school sees the use of force to restrain a pupil as reasonable (for example, to prevent them injuring somebody); and
- the circumstances the school regards as justifying the use of force to require a pupil to comply.

### **Reducing the likelihood of situations arising where use of force may be required.**

Although preventative measures will not always work, there are a number of steps which schools can take to help reduce the likelihood of situations arising where the power to use force may need to be exercised:

- creating a calm, orderly and supportive school climate that minimises the risk and threat of violence of any kind;
- developing effective relationships between pupils and staff that are central to good order;

- adopting a whole-school approach to developing social and emotional skills such as the Social and Emotional Aspects of Learning (SEAL) programme;
- taking a structured approach to staff development that helps staff to develop the skills of positive behaviour management; managing conflict and also to support each other during and after an incident. Further guidance is provided in the Welsh Assembly Government's Inclusion and Pupil Support Guidance, Circular 47/2006;
- effectively managing individual incidents. It is important to communicate calmly with the pupil, using non-threatening verbal and body language and ensuring the pupil can see a way out of a situation. Strategies might include, for example, going with the staff member to a quiet room, away from bystanders or other pupils, so that the staff member can listen to concerns; or being joined by a particular member of staff well known to the pupil; and
- wherever practicable, warning a pupil that force may have to be used before using it.

### **Pupils with special educational needs and/or disabilities**

The following advice is particularly relevant to pupils with SEN and/or disabilities:

- Involve the SEN Co-ordinator or other named member of staff and parents in developing the school's policy and practice on the use of force, which must be consistent on an 'all schools' County wide basis. This will help ensure that appropriate account is taken of the needs of individual pupils with SEN and/or disabilities including "fragile" pupils.
- Develop behaviour management plans for individual pupils assessed as being at greatest risk of needing restrictive physical interventions in consultation with the pupil and his or her parents or carers. Behaviour management plans set out the techniques that should be used and those that should not normally be used.
- any planned potential use of physical intervention should be compatible with a pupil's statement and properly documented in school records.
- as far as practically possible, make staff who come into contact with such pupils aware of the relevant characteristics of those individuals, particularly:
- situations that may provoke difficult behaviour, preventive strategies and what de-escalation techniques are most likely to work;
- what is most likely to trigger a violent reaction, including relevant information relating to any previous incident requiring use of physical intervention; and
- if physical intervention is likely to be needed, any specific strategies and techniques that have been agreed by staff, parents and the pupil concerned.
- Information from parents may be as valuable as information held by the school. Some of this information may be sensitive. Schools should seek express (preferably written) consent from the parent to inform appropriate staff. However, where consent is unreasonably withheld the information may still be made available to staff who need it where this would be in the best interests of the pupil concerned. The importance of providing such information will be a factor in decisions about giving temporary authorisation to parent volunteers and others to supervise pupils.
- Designate staff to be called if incidents related to particular pupils occur. This does not necessarily mean waiting for them to arrive before taking action if the need for action is urgent. However they should always be involved in post-

incident follow-up. Consideration should also be given as to whether there are certain circumstances where it is necessary for staff to work in pairs to safeguard pupils and/or staff.

- Teach pupils who are at risk how to communicate in times of crisis and strategies to use in a crisis (such as using personal communication passports and non-verbal signals to indicate the need to use a designated quiet area or cool-off base) and ensure staff are familiar with these strategies.

### **Ensuring staff know who has statutory power to use force**

The head teacher or delegated senior member of staff is advised to do the following:

- As part of an induction process, explicitly inform the people concerned of their responsibilities in relation to the school policy on use of force. He/she should make clear that all teachers and staff the head has authorised to have control or charge of pupils automatically have the statutory power to use force.
- For staff who have temporary authorisation he/she should make clear the circumstances in which staff whose jobs did not normally involve supervising pupils and volunteers working with pupils will be authorised to be in control or charge of pupils and therefore have statutory power to use force.
- Keep an up-to-date record of temporarily authorised people and ensure that permanently authorised staff (i.e. all staff whose job involves supervising pupils) knows who they are. Given the requirement for schools to maintain a central, up-to-date record of the Criminal Records Bureau status of all staff and volunteers, they may wish to align these two sets of records.

### **Deciding if the use of force would be appropriate**

The judgment on whether to use force and what force to use should always depend on the circumstances of each case and - crucially in the case of pupils with SEN and/or disabilities - information about the individual concerned.

Decisions on whether the precise circumstances of an incident justify the use of significant force must be reasonable. Typically such decisions have to be made quickly, with little time for reflection. Nevertheless, staff need to make the clearest possible judgments about:

- the seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if force is not used. The greater the potential for injury, damage or serious disorder, the more likely it is that using force may be justified;
- the chances of achieving the desired result by other means. The lower the probability of achieving the desired result by other means, the more likely it is that using force may be justified; and
- the relative risks associated with physical intervention compared with using other strategies. The smaller the risks associated with physical intervention compared with other strategies, the more likely it is that using force may be justified.

### **Examples of situations**

Examples of situations that particularly call for judgments of this kind include:

- a pupil attacks a member of staff, or another pupil;
- pupils are fighting, causing risk of injury to themselves or others;

- a pupil is committing, or on the verge of committing, deliberate and serious damage to property;
- a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- a pupil absconds from a class or tries to leave school other than at an authorised time. Refusal of a pupil to remain in a particular place is not enough on its own to justify use of force. It would be justifiable where allowing a pupil to leave would:
  - i. entail serious risks to the pupil's safety (taking into account age and understanding), to the safety of other pupils or staff, or of damage to property; or
  - ii. lead to behaviour that prejudices good order and discipline, such as disrupting other classes;
- a pupil persistently refuses to follow an instruction to leave a classroom;
- a pupil is behaving in a way that seriously disrupts a lesson; or
- a pupil is behaving in a way that seriously disrupts a school sporting event or school visit.

In these examples use of force would be reasonable (and therefore lawful) if it was clear that the behaviour was sufficiently dangerous or disruptive to warrant physical intervention of the degree applied and could not realistically be dealt with by any other means. A record of the incident should be made as soon as practically possible, while the incident is still easy to recall.

Wherever possible, these judgements should take account of the particular characteristics of the pupil, including his or her age, understanding and any SEN or disability that he or she may have. This would include the outcomes of any risk assessment and, as appropriate, any specific strategies and techniques set out in the pupil's positive handling plan.

### **Risk assessments**

Leadership teams are advised to assess the frequency and severity of incidents requiring use of force that are likely to occur in their school. Historical patterns usually provide a good starting point. These assessments will help to inform decisions about staff training.

Schools may also need to make individual risk assessments where it is known that force is more likely to be necessary to restrain a particular pupil, such a pupil whose SEN and/or disability is associated with extreme behaviour. An individual risk assessment is also essential for pupils whose SEN and/or disabilities are associated with:

- communication impairments that make them less responsive to verbal communication;
- physical disabilities and/or sensory impairments;
- conditions that makes them fragile, such as haemophilia, brittle bone syndrome or epilepsy; or
- dependence on equipment such wheelchairs, breathing or feeding tubes.

### **Situations where staff should not normally intervene without help**

An authorised member of staff should not intervene in an incident without help, unless it is an emergency. Schools should have communication systems that enable a member of staff to summon rapid assistance when necessary. Help may be needed in dealing with a situation involving an older or physically stronger pupil, a large pupil, more than one pupil or if the authorised member of staff believes he or she may be at risk of injury. In these circumstances he or she should take steps to remove other pupils who might be at risk and summon assistance from other authorised staff, or where necessary phone the police.

### **Using force**

Before using force staff should, wherever practicable, tell the pupil to stop misbehaving and communicate in a calm and measured manner throughout the incident. Staff should not act out of anger or frustration, or in order to punish a pupil, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

The types of force used could include:

- passive physical contact resulting from standing between pupils or blocking a pupil's path;
- active physical contact such as:
  - i. leading a pupil by the hand or arm;
  - ii. ushering a pupil away by placing a hand in the centre of the back;
  - iii. in more extreme circumstances, using appropriate restrictive holds, **which require specific expertise or training.**

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a pupil running off the pavement onto a busy road or preventing a pupil from hitting someone with a dangerous object such as a glass bottle or hammer.

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a pupil.

Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

### **Staff training**

Like other forms of professional development, decisions about training in physical intervention are best made by individual schools in the light of their particular needs and circumstances. It is good practice for schools to set out their approach to relevant training in their school policy on use of force. A school may decide that all staff who supervise pupils should have such training. However, individuals have statutory power to use force by virtue of their job. So a school's policy cannot lawfully prevent teachers or other staff whose job involves having control or charge of pupils from using that power regardless of whether they have received training. However, schools should make it clear to staff that unreasonable or inappropriate use of force will be a child protection matter/and or criminal offence and disciplinary action will be considered.

Schools will also need to make a judgement on the level and form of training that they provide to those who have been given temporary authorisation, due to their not usually having control of pupils.

As indicated below, there will be particular training needs for staff working closely with pupils with SEN and/or disabilities. Risk assessments will help inform decisions about staff training. They will also inform the circumstances in which schools would temporarily authorise staff or volunteers to have control or charge of pupils.

Schools are advised to ensure that training covers techniques for avoiding or defusing situations in which physical intervention might become necessary as well as methods of physical intervention. This is particularly important for staff who work closely with pupils with SEN and/or disabilities associated with challenging behaviour. Schools should ensure that the training needs of these staff are identified and appropriately met.

A number of organisations offer training in the use of physical force and related techniques such as de-escalation. Information about this is available at [www.bild.org.uk](http://www.bild.org.uk). Local authority advice and guidance on training can also help schools, particularly in the maintained sector, to ensure well-targeted and appropriate training.

### **Recording and reporting incidents**

Schools are strongly advised to keep systematic records of every significant incident in which force has been used, in accordance with school policy and procedures on the use of force and the child protection requirements. The purpose of recording is to ensure policy guidelines are followed, to inform parents, to inform future planning as part of school improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry.

Schools may find the following questions helpful in deciding whether an incident is significant and requires a written record, which must be compliant with the All Wales Child Protection Procedures 2008. It is not a matter for staff to investigate incidents where it is clear at the outset that child protection and or possible criminal offences have occurred.

- Did the incident cause injury or distress to a pupil or member of staff?
- Even though there was no apparent injury or distress, was the incident sufficiently serious in its own right to require a written record? Any use of restrictive holds would, for example, fall into this category.
- Is a written record needed to be able to justify the use of force? This is particularly relevant where the judgement was very finely balanced.
- Is a record needed to help identify and analyse patterns of pupil behaviour or staff training needs?
- Were other agencies involved, such as the police?

If the answer to any of these questions is "yes", it would be strongly advisable to make a written record. Such records can provide evidence of defensible decision making in case of a subsequent complaint or investigation. It is possible that not all of the specifics of an incident can be recorded where it is not known on whom force was

used, as for example where a member of staff has hastily had to part several pupils encircling a fight. The staff member may (understandably) focus on and recall the identities of the fighting pupils and not the individual spectators who were drawn aside to allow access. Staff may find it helpful to seek the advice of a senior colleague or a representative of their professional association when compiling a report.

The member of staff involved in an incident is usually best placed to compile the record. It would be good practice for the member of staff with lead responsibility for safeguarding to check the record and for the school to provide the member of staff involved in the incident with a copy of the final version. Staff training could usefully include good practice on completing incident records.

Parents should be told when and where the incident took place, which members of staff were directly involved (anonymised where necessary), why they decided that force had to be used, what force was used, whether there were any injuries and what follow-up action (referral to social services, support and/or disciplinary) was being taken in relation to their child. It is advisable that the school's policy on making a record following such incidents is contained within its policy on the use of force and drawn to the attention of members of staff, parents and pupils, if these persons are not otherwise notified of the policy.

The record is likely to form part of the pupil's educational record as it is a record of information which is processed (obtained, recorded and held) by or on behalf of the Governing Body of the school (or teacher at the school, other than for personal use), relates to the pupil, and originated from or was supplied by a teacher employed by the Governing Body or the local authority.

Even if a copy of the incident record is not provided by the school as mentioned above the parent would be entitled to see the educational record free of charge, within 15 school days of receipt of the parent's written request. If a parent makes a written request for a copy of the record this must be provided, also within 15 school days of that request being received.

When schools comply with a request to see or to have a copy of a pupil's educational record there is some information that must not be disclosed.

This is any information that the child him/herself could not lawfully be given under the Data Protection Act 1998, or to which s/he would have no right of access under that Act or by virtue of any order made under section 30(2) or section 38(1) of it. Further detail on what data contained in educational records may be disclosed is contained in the Welsh Assembly Government's guidance on Educational Records, School Reports and the Common Transfer System - the keeping, disposal, disclosure and transfer of pupil information, Circular 18/2006. When recording such incidents, staff should bear in mind that, if this information is later passed to the police, it may be included in a Criminal Records Bureau disclosure. Schools should retain records of such incidents until the member of staff involved has reached normal retirement age or for 10 years from the date of the allegation if that is longer

After any recordable incident, parents should always be informed. Wherever possible, it is best to telephone parents as soon as possible after the incident before confirming

details in writing. It is also good practice for parents to be given a copy of the school's policy on the use of force and information on post-incident support.

All injuries should be recorded in accordance with school procedures. The school should take action to report relevant injuries to staff or pupils to the Health and Safety Executive's Incident Contact Centre [www.hse.gov.uk/riddor/index](http://www.hse.gov.uk/riddor/index), but not before referring any incidents involving injury to children to social care (CCATS team duty) for safeguarding purposes.

It is good practice for governors to monitor incidents where force has been used. Head teachers have an important role in reporting such incidents to the Governing Body.

Members of staff who have been assaulted will wish to consider reporting that to the police.

### **Post-incident support**

Serious incidents that require use of force can be upsetting to all concerned and may result in injuries to the pupil or to staff. Immediate action should be taken to provide first aid for any injuries and to access medical help for any injuries that go beyond first aid. It is also important to ensure that staff and pupils are given emotional support.

The letter to parents informing them about the use of force can also be used to engage them in discussing the incident and for setting out subsequent actions and support. It is good practice for parents to be involved in agreeing appropriate support arrangements. For parents of pupils whose behaviour is associated with SEN and/or disabilities, it is advisable to agree an individual behaviour plan. Such plans would include strategies to prevent and deal with any recurrence of behaviour that could lead to the use of force.

Schools are also advised to:

- decide whether multi-agency partners need to be involved and, if so, which partners. This could include local authority children's services, Child and Adolescent Mental Health Services or the Youth Offending Team (if the pupil is already under their supervision or has been identified by the YOT as being at risk of becoming engaged in criminal or anti-social behaviour);
- where a pupil is responsible, hold the pupil to account so that he or she recognises the harm caused or which might have been caused. In addition to punishing the pupil, this may involve giving them the opportunity to repair the relationships with staff and pupils affected by the incident and/or to develop their social and emotional skills. In some cases, an incident might lead to a decision to exclude a pupil. In these circumstances head teachers must have regard to the Welsh Assembly Government's guidance on Exclusion from Schools and Pupil Referral Units, Circular 1/2004;
- help the pupil and staff develop strategies to avoid such crisis points in future and inform relevant staff about these strategies and their roles;
- ensure that parents and pupils are aware of the school's complaints procedures; and
- ensure that staff and pupils affected by an incident have continuing support for as long as necessary in respect of:

- i. physical consequences;
- ii. support to deal with any emotional stress or loss of confidence; and
- iii. opportunity to analyse, reflect and learn from the incident.

### **Dealing with complaints and allegations**

Parents and pupils would have a right to complain about actions taken by school staff. This might include the use of force. Schools need to make that clear. If a specific allegation of abuse is made against a member of staff then the school needs to follow the All Wales Child Protection Procedures 2008 and refer the allegation/ incident immediately to the Social Care Child Care Assessment Team duty desk. Guidance set out in the three Welsh Assembly Government letters about the independent investigation service, dated 9 November 2006, and 30 March and 31 August 2007, and the guidance in Welsh Assembly Government Circular 45/2004 –‘Staff Disciplinary Procedures in Schools’, applies following the outcome of formal social services/police investigations. Complaints other than allegations regarding staff conduct with children should be dealt with under the school's complaints procedure which is normally set out in the school's published prospectus or website. The Welsh Assembly Government has also issued two guidance documents to schools on dealing with complaints. Circular 03/2004 ‘School Governing Bodies Complaints Procedures’ and Circular 39/2006 ‘Guidance for School Governing Bodies on Procedures for Complaints Involving Pupils.’ These guidance documents are due for revision in 2011.

In such circumstances it would be for the head teacher to respond to the complaint in the light of school policy and procedure, unless the complaint was against the head teacher himself/herself. Parents may choose to appeal against the head teacher's response. At this point a panel of governors may be convened.

The full involvement of those with parental responsibility following the incident should minimise the chances of a complaint about use of force but it will not prevent all complaints or allegations. Allegations can be made from a variety of sources, not just from the parents or children involved.

A dispute might lead to an allegation against a member of staff, made to the school, other agencies or even the police. These should be dealt with in accordance with agreed policy and procedure for handling allegations against staff. Schools can find guidance on safeguarding children and on dealing with allegations of abuse against teachers and other staff in Chapter 4 of the All Wales Child Protection Procedures 2008 and the Welsh Assembly Government guidance Working Together Under the Children Act 2004 chapter 12, *Allegations of abuse or causes of concern about a person who works with children*

Letters and circulars listed in paragraph 3.43 above including The Welsh Assembly Government issued Guidance in Circular 05/2008 - Safeguarding Children in Education: The role of local authorities and governing bodies under the Education Act 2002. deal with post allegation social care/police investigations for disciplinary purposes.

The school policy on physical intervention and the degree to which it had been followed will be at the core of any investigation. Such complaints may also be investigated under the school's disciplinary procedure.

### **Physical contact with pupils in other circumstances**

There are occasions when physical contact with a pupil may be proper or necessary other than those covered by Section 93 of the Education and Inspections Act 2006. Some physical contact may be necessary to demonstrate exercises or techniques during physical education lessons, sports coaching or craft, design and technology or if a member of staff has to give first aid. Young children and those with SEN may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is being congratulated or praised, or where the pupil is in distress and needs comforting. Teachers will use their own professional judgement when they feel a pupil needs this kind of support.

There may be some pupils for whom touching is particularly unwelcome. For example, some pupils may be particularly sensitive to physical contact because of their cultural background or because they have been abused. It is important that staff who may come into contact with these pupils or groups of pupils should have the relevant information and that the school has a system for informing them. In addition, the school will need to develop clear common practice towards particular groups of pupils and events. There should be a common approach where staff and pupils are of different sexes. Physical contact with pupils becomes increasingly open to question as pupils reach and go through adolescence, and staff should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

## APPENDIX 2

**Guidance for the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties** - This guidance is based on Welsh Government guidance circular document No: 041/2010, "Safe and Effective intervention – use of reasonable force and searching for weapons"

The guidance in this Part is intended to provide clear, practical advice to schools on drawing up policies on the use of restrictive physical interventions for pupils with severe behavioural difficulties. In the main the guidance is intended primarily for special schools but may also be useful for mainstream schools with such pupils. The guidance is divided into three main areas:

- Model policy guidelines for local authorities.
- Model policy guidelines for special schools.
- Advice on risk assessment and a suggested risk assessment proforma.

These guidelines have been produced to assist special schools to respond appropriately in situations where the management of pupil behaviour requires the use of restrictive physical interventions. The guidelines for model policies are designed to be helpful but are not intended to be followed rigidly. Rather, they are designed to provide a broad structure on which policies might be based and highlight some questions and issues to be explored or clarified. There might be other questions and considerations according to local circumstances.

Assessing and managing risk is central to the process of deciding whether to use restrictive physical intervention and ensuring that it is both reasonable and proportional to the circumstances. Where it is known that a pupil is likely to present severe behavioural difficulties, a formal risk assessment will assist staff in judging the benefits and risks of any proposed intervention for staff, the pupil concerned and others.

### **Model Policy Guidelines for Local Authorities**

The following guidelines are designed to help LAs draw up policies where they do not already exist, or to review them where they do. The LA policy on the use of restrictive physical interventions should reflect an ethos of respect, care and safety in schools. It should be designed to:

- provide, with the guidance, a framework within which schools can develop their own policies;
- promote a coherent consistent and co-ordinated approach across different schools and, where appropriate, with other agencies;
- form a basis for monitoring the implementation of policies in schools; and
- provide advice to schools on how to monitor and evaluate their own use of restrictive physical interventions so that practice is improved both locally and across the authority.

### **Formulating a policy**

It is important that the LA policy on use of restrictive physical interventions is developed in consultation with schools, other agencies and professional bodies including local safeguarding children boards. The LA should make clear the extent to

which its own policy reflects collaboration within the local authority and with other agencies. The greater the degree of collaboration, the greater the sense of joint ownership and common purpose. At the heart of the policy should be the clearly stated expectation that the use of physical intervention in schools should be **reasonable** and **proportionate** in the circumstances.

The LA policy should identify one or more named contact points able to offer schools advice and information on physical intervention, both on a routine basis and in the event of specific incidents/emergencies.

### **Expectations of schools**

The LA policy should make explicit the issues and topics that it would like to see covered by schools making provision for pupils with extreme behaviour. These might include:

- the name of the person(s) responsible for implementing policy on restrictive physical interventions and monitoring and co-ordinating their use;
- the balance required between the needs and rights of the pupils and the responsibilities of schools towards the rights and needs of staff;
- the name of the person(s) responsible for implementing policy on restrictive physical interventions and monitoring and co-ordinating their use;
- the measures to be put in place to ensure that, where physical intervention is used, it is reasonable and proportional to the circumstances;
- the relevance of Health and Safety legislation, including guidance on manual handling and violence reduction in relation to staff, pupils and visitors;
- the way in which schools should integrate policies on using physical intervention with policies on more general aspects of improving behaviour/a whole-school approach to improving behaviour;
- how schools should communicate with parents/carers and pupils about their policies on the use of physical intervention; and
- the procedures which the LA expects schools to follow when planning, implementing, monitoring, reviewing and revising their own policies.

### **Issues for the LA to address**

- How will the LA policy be introduced and disseminated to schools and relevant agencies?
- What procedures should schools follow when recording incidents? A consistent approach across the authority will be desirable and will aid training.
- What avenues should schools follow when reporting incidents to the LA?
- Are schools clear as to the circumstances in which they should report incidents?
- Ensuring that reporting and recording procedures for schools are straightforward in nature and kept to a manageable level.
- How should the LA respond to school policies and practice which are found to be at significant variance with the LA's own policy?
- How challenging children are managed outside the school, for example on school transport.

### **Supporting the policy**

It is important that structures exist to assure schools that they are not alone in dealing with pupils with severely challenging behaviour and potentially dangerous situations. As well as helping schools to draw up their own policies in the context of the LA policy, there are a number of areas where the LA can offer practical help.

### **Monitoring the implementation of policies and their impact upon practice**

Without imposing excessive administrative burdens on schools, it is important that LA collect a range of information in order to identify issues and trends, evaluate the effectiveness of their approach to the use of physical intervention in special schools, and the effectiveness of policies adopted by individual schools. This might include:

- how schools put into practice their policies and who co-ordinates, monitors and evaluates the process;
- the extent to which schools' policies are consistent with the culture and practices the LA wishes them to achieve whilst allowing for differences which properly reflect to the individual needs of schools (and thus aid ownership);
- to what extent the LA policy and school policy have been shared with other providers, and the compatibility of policies on the use of restrictive physical interventions operated by other agencies; and
- what role governors have in the formulation, evaluation and review of the school's policies and procedures

### **Issues for the LA to address**

- What help will be available to schools to ensure that policies are effective, e.g. will the LA provide advice and support to schools after an incident involving the use of force?
- What steps can be taken to ensure that good practice is shared across the authority?
- What training and professional development is provided to school staff and to LA personnel dealing with incidents requiring physical intervention and/or their aftermath? How are such needs identified?
- What are the most appropriate ways of introducing parents/carers and pupils to new policies, or to revised versions of existing policies. This might occur at the time a pupil is admitted to the school or be ongoing during the placement.
- More generally, what steps can be taken to secure the active support of parents/carers for both the LA policy and the policies adopted by individual schools? Can parent partnership services help with this?
- To what extent there is an integrated approach to training staff in the use of restrictive physical interventions across the LA area how successfully schools respond to complaints.
- What criteria should schools use when evaluating their policies? Would schools find it helpful to have authority-wide criteria?
- Which agencies should be involved in working with schools, possibly through joint training, to review and evaluate policy and practice, for example the Local Safeguarding Children Board, parent partnership groups and social services departments?

- Are there opportunities for sharing good policies, for example by making them available to other schools, independent and non-maintained, as well as schools in adjacent areas?
- Similarly, is there scope for LAs in adjacent areas to develop common approaches to evaluation, share experience and perhaps collaborate, for example on training?
- If changes to the LA policy are made, what are the implications for schools?
- What avenues do schools have to alert LAs of problems encountered in their use of physical intervention?
- How are schools supported when discussions between an individual school and an LA point to the need for improvements?

### **Model Policy Guidelines for Special Schools**

These guidelines are designed to help special schools to draw up policies covering the use of restrictive physical interventions with pupils with severe behavioural difficulties. A policy on restrictive physical interventions should be an integral but discrete element of the school's wider behaviour management policy. It is recommended that a policy should be organised into sections covering the following:

- introduction;
- school expectations;
- positive behaviour management;
- risk assessment and planning for potential use of restrictive physical interventions;
- use of restrictive physical interventions in unforeseen and emergency situations;
- post-incident support;
- reporting and recording use of restrictive physical interventions;
- monitoring use of restrictive physical interventions;
- responding to complaints; and
- staff training.

Each of these are considered in turn in the sections below.

Each section points to good practice and identifies issues to be addressed. It is anticipated that the guidance will be of practical assistance to schools when examining current school practice and procedures, and developing a policy suited to local circumstances. It should be possible to draw wording for school policies directly from these guidelines (by, for example, changing "the school should" to "the school will").

In special schools there are children with severe behavioural difficulties who present behaviour that may necessitate the use of restrictive physical interventions to prevent injury, damage to property, or the breakdown of discipline. Section 93 of the Education and Inspections Act 2006 clarifies the position about use of restrictive physical interventions by teachers and others authorised by the head teacher to control or restrain pupils. Teachers and other authorised school staff are reminded that use of physical force must be reasonable and comply with the legal framework and government guidance set out in part one of this document

## **School expectations**

The use of restrictive physical interventions should always be considered within the wider context of other measures. These include establishing and maintaining good relationships with children and using diversion, diffusion and negotiation to respond to difficult situations. Use of physical force that is unwarranted, excessive or punitive is not acceptable. Failure to comply with this principle, when considering or using physical force, should be dealt with under school disciplinary procedures.

## **Issues for schools to address**

- Which staff other than teachers will be authorised to use restrictive physical interventions in your school?
- By what process will staff be selected and authorised to use restrictive physical interventions in your school?
- In what situations would the school consider it appropriate for teachers and other authorised school staff to use restrictive physical interventions?
- What kinds of actions would be viewed as using reasonable physical intervention in your school?
- What kind of actions involving use of physical intervention would be viewed as unwarranted, excessive or punitive in your school?
- What course of action will be taken in the event of staff failing to comply with this policy?

## **Positive behaviour management**

All staff should adopt a positive approach to improving behaviour in order to reward effort and application, and to build self-esteem. The school should work in partnership with those who know the child to help those concerned:

- find out why this child behaves as he or she does;
- understand the factors that influence this child's behaviour; and
- identify early warning signs that indicate foreseeable behaviours are developing.

This approach will help to ensure that early and preventative intervention is the norm. It should reduce the incidence of extreme behaviours and make sure that the use of physical force is rare.

School staff should refer to the school's behaviour policy when developing and implementing behaviour management plans. All behaviour management plans should be formally agreed and ratified before implementing them in school. Plans should be formally recorded in accordance with school procedures and set out the action taken to:

- meet the pupil's needs;
- encourage the pupil to make positive choices and develop self-control;
- support the pupil in difficult situations; and
- safely manage crises if and when they occur.

## **Risk assessment and planning for use of restrictive physical interventions**

Schools should acknowledge that some children behave in ways that make it necessary to consider the use of restrictive physical intervention as part of a behaviour management plan. All identified behaviours necessitating use of physical

intervention should be formally risk assessed. The resulting risk management strategy must be compatible with a positive behaviour management approach.

### **Issues for schools to address**

- How will the school involve parents and others who know the child in the process of developing behaviour management plans?
- What process is to be used to agree and ratify behaviour management plans for use in school?
- How are behaviour management plans to be recorded?

Intervention must be clearly shown to be in keeping with the pupil's statement and his or her individual education plan. It should also be properly documented within school records. All staff should be aware of the distinction between physical contact or touch, used appropriately in everyday situations to support, encourage, guide or comfort a pupil, and the use of force to restrict movement or to disengage from pupils whose behaviour presents a clear risk of injury.

Techniques and methods for controlling and restraining pupils using restrictive physical interventions must be assessed to ensure they are safe, suitable and appropriate for use with the named pupil. They should be agreed in partnership with the pupil, his/her parents (or those with parental responsibility) and other statutory agencies working with the pupil. This is especially the case when children are looked after by the local authority, in respite care, or cared for by others with legal responsibility in order to ensure that there is a consistent approach to the use of physical intervention in and out of school. In the event of disputes over, or concerns about, techniques and methods being considered, an interim school strategy should be agreed and the matter referred to the LA. If necessary, adjudication might be offered by an independent person nominated by the Local Safeguarding Children Boards.

### **Issues for schools to address**

- For what kinds of behaviours would the school view it necessary to consider planned use of physical intervention?
- What action does the school intend to take to assess and manage the risks?
- What steps does the school take to ensure that all staff coming into contact with pupils who may represent a risk have necessary information on the pupil concerned?
- How will the school ensure that planned use of physical intervention is compatible with a positive approach to improving behaviour and in keeping with the pupil's statement and pastoral support plan?
- What action will the school take to assess techniques and methods for implementing planned use of physical intervention?
- Who will the school work in partnership with to agree the techniques and methods to be used to implement planned use of physical intervention?
- What process is in place for you to refer disputes or concerns to the LA?

## **Use of restrictive physical interventions in unforeseen and emergency situations**

Schools should acknowledge that, on occasion, staff may find themselves in unforeseen or emergency situations when they have no option but to use reasonable force to manage a crisis. It is recommended that:

- before using force - staff attempt to use diversion or diffusion to manage the situation;
- when using force - staff must use techniques and methods with which they are familiar, confident and are permitted by the school; and
- in exceptional circumstances (where permitted techniques are ineffective or staff are unfamiliar with the action they should take) – staff manage the situation as best they can to comply with Section 93 of the Education and Inspection Act 2006.

Staff should always report and record use of physical force that occurs in unforeseen or emergency situations using school procedures.

### **Post-incident support**

Incidents that require use of restrictive physical interventions can be upsetting to all concerned and result in injuries to the child or staff. After incidents have subsided, it is important to ensure that staff and children are given emotional support and basic first aid treatment for any injuries. Immediate action should, of course, be taken to ensure that medical help is accessed for any injuries that require other than basic first aid. All injuries should be reported and recorded in accordance with school procedures. The school should take action to report any injuries to staff or pupils in accordance with RIDDOR. (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995, HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 6FS. HSE website: [www.hse.gov.uk](http://www.hse.gov.uk). HSE information line: 0541 545500(HSE Information Centre, Broad Lane, Sheffield, S3 7HQ).

### **Issues for schools to address**

- What kinds of unforeseen or emergency situations might staff find themselves in within your school?
- What techniques and methods for implementing use of physical force to control or restrain pupils will be acknowledged as suitable for use in typical emergencies?
- What actions are staff required to take to report and record use of physical force in unforeseen and emergency situations?
- Who will provide staff and children with support after incidents?
- Who will check for injuries, provide first aid and arrange for medical aid?
- Who will report injuries to HSE?

### **Reporting and recording use of restrictive physical interventions**

After incidents in which physical intervention is used, staff should report and record the matter in accordance with school procedures. All incidents requiring the use of physical intervention should be thoroughly and systematically documented within school records such as registers, logs, and incident books. The school should take action to ensure that parents and the local authority are informed about these incidents in accordance with agreed local procedures and time scales.

### **Issues for schools to address**

- How are incidents to be reported and recorded?
- What action will the school take to inform parents and the local authority about incidents?

### **Monitoring use of restrictive physical interventions**

Use of physical intervention in school should be monitored in order to help staff learn from experience, promote the well-being of children in their care, and provide a basis for appropriate support. The lessons learnt may provide a strategy for avoiding the use of physical intervention if similar incidents recur. Monitoring can help schools to determine what specialist help is needed for children and to assess the appropriateness of the child's placement at the school. Information on trends and emerging problems should be shared within the school using local procedures. Monitoring information should be reported on a regular basis to school governors.

### **Issues for schools to address**

- How will you monitor and evaluate the use of physical intervention?
- How will incident monitoring inform risk assessment and management?

### **Responding to complaints**

The use of restrictive physical intervention can lead to allegations of inappropriate or excessive use. In the event of a complaint being received by a school in relation to use of force by staff, the matter should be dealt with as set out earlier in regards to child protection referral to CCATs duty etc.....

### **Issues for schools to address**

- How will complaints be investigated and by whom?

### **Staff training**

Training in physical intervention methods that are acceptable within the school is available and teachers and support staff should be encouraged to take up such opportunities. This training is intended to help staff to link meeting children's needs with positive behaviour management. Staff involved in implementing planned use of physical intervention, as part of a behaviour management strategy within the school, should be provided with training in the range of intervention techniques they are expected to use in their day-to-day work. On successful completion of training, staff should be expected to practice their skills and periodically attend updates.

### **Issues for schools to address**

- How will you choose training for your school and what is the training to include?
- How will staff be assessed and updated?

### **Assessing and Managing Risks for Children Who Present Challenging Behaviours**

A risk assessment and management proforma has been designed to help teachers, learning support assistants and other adults working in special schools to improve practice in relation to the assessment and management of risk posed by pupils with severely challenging behaviour. The risk may be to the pupils themselves, other pupils, teachers, other adults or property.

## What is meant by "risk" and "risk assessment"?

The term "risk" refers to any circumstances which could lead to adverse outcomes for the child or others. Risks may arise in relation to a number of factors, such as the health care and social support arrangements for the child; interactions between the child and his or her environment; the direct impact of behaviour(s) presented by the child; measures and interventions employed to reduce, limit or manage the risks presented to the child and others. Risk assessment and management is a process that helps staff and others to consider risk issues, to act reasonably, and to learn from what happens in everyday practice. In the main, risk assessment and management involves:

- using what is known, in the light of experience, to make rational judgements about risk issues;
- weighing up options and taking reasonable risks;
- taking action to implement a range of approaches to support and safeguard children. By working in this way it is possible to make decisions and take actions to;
- limiting the level of inherent risk to which children and others are exposed;
- taking calculated risks to broaden the child's experience and maximise his or her individual potential;
- avoiding unreasonable risks for this child and others; and
- ensuring that strategies used to respond to challenging behaviour are reasonable, and proportionate to the risks presented by the behaviour.

Using a structured approach to risk assessment and management will help staff to make decisions about what can reasonably be done to limit risks. At the same time it will help prepare them for times when things go wrong. Challenging behaviours are often foreseeable, even though it may be difficult to predict exactly when they will occur or the degree of challenge they will pose. As a general rule, schools should:

- explore why children behave in ways that pose a risk;
- try to understand the factors that influence the behaviour;
- recognise the early warning signs that indicate that the child's behaviour is beginning to emerge, and
- develop the skills to manage difficult situations competently and sensitively. The measures agreed for managing identified risks should be set out in an agreed behaviour management plan for the individual child.

Risk assessment and management can also be used in emergency situations when unforeseen risks occur.

## Assessing the risk

Risk assessment involves a consideration of potential and actual risk. Key steps are:

- **assessing the context for risk** - trying to predict the situations in which risks do/may occur. For example, situations where pupils might feel frustrated, pupils being near open roads, on transport or in crowded places;
- **assessing probability** - trying to estimate how likely it is that the risk situation will occur and whether any injury or harm is very likely to occur, likely to occur, or unlikely to occur; and
- **assessing seriousness** - trying to gauge the kind of injury and harm that could result. For example: choking, bruises, bleeding, sprains, broken bones, stress, burnout, panic attacks, nervous breakdowns and post traumatic stress disorder.

In this part, it is assumed that the school will apply the risk assessment and management proforma. For some pupils, it will be appropriate for the LA to conduct the initial assessment, followed by updating by the school.

When assessed, all risks should be recorded in accordance with relevant requirements such as LA or school policies. In the event that risks are thought to be serious for the child or others, the school may need to use formal risk assessment frameworks and tools, such as the Health and Safety Executive's "Five steps to Risk Assessment".

### **Exploring risk reduction options**

Risk reduction involves an examination of risk management options and consideration of the benefits and drawbacks of each option for the child, staff and others concerned. After weighing up the options available, some may be discarded as unsuitable. This will usually be because they have insufficient impact on the risk or have too many drawbacks. A record should be kept of risk reduction options examined and discounted as well as those adopted for each pupil. Risk reduction should include:

- proactive measures to support the child effectively and prevent difficulties emerging;
- early interventions to help the child in difficult situations and avert problems; and
- planned measures to manage the child and others safely, when unavoidable difficulties arise.

In circumstances where there are concerns that the risk reduction options being considered may themselves give rise to risk to the pupil or others, it would be prudent for schools to seek advice from other bodies. These may include:

- the Local Safeguarding Children Board (LSCB) for concerns in relation to children;
- the Health and Safety Executive for concerns in relation to school staff and others;
- medical advisers;
- legal advisers; or
- the LA education and/or social services.

### **Deciding risk management measures**

The measures selected to prevent risks occurring, manage risks that arise and respond to injuries and harm that occur should be based upon a full appraisal of all the risk management options. In agreeing the risk management strategy, it is important to be explicit about inherent risks that continue to exist, even when the strategy is fully implemented; risks that can be reduced by implementing the strategy; and the risks that can be prevented by implementing the strategy, and any risks inherent in the strategy.

The agreed risk management measures should form the basis of the child's behaviour management plan and the school's risk management strategy. All decisions made about risk management options should be recorded in accordance with school procedures. When selecting risk management procedures for the child's behaviour management plan and the school risk management strategy, schools should involve

parents, or those with parental responsibility. Both sides benefit from such an approach; parents can examine measures for supporting their child within a broader context, while schools find out things that might otherwise be overlooked.

Professionals from other agencies should also be consulted in the process of deciding the best options to eliminate, reduce or limit the risk, without placing unreasonable restrictions on the child, children, school staff or others, or putting others at unreasonable risk. Accommodation and resources will influence the strategy employed. In the event that there are disputes or concerns about the measures employed, it would be prudent for schools to seek advice from the people or bodies listed in the preceding section.

### **Sharing and communicating an agreed approach**

Once agreed, the behaviour management plan and risk management strategy should be shared with all those responsible for implementing or monitoring the impact of the plan. This is important as it will help to ensure that those concerned know how children are to be supported and why, which behaviours are to be managed and how they are to be managed; and which risk reduction measures are to be employed and when. The risk management strategy can be shared through discussion groups, meetings and circulating information. Those who should be informed include:

- the child;
- his/her parents or those with parental responsibility;
- members of the teaching team and other school staff; and
- other professionals involved with the child, child protection teams and other agencies. Schools should keep a record of those informed about the strategy.

### **Staff training**

Once the plan and risk management strategy have been shared with those who work with and support the child, consideration should be given to the ability of staff to implement the strategy. In particular, steps should be taken to determine what training may be required prior to implementation. This is key, because successful implementation will be dependent on staff competence and expertise. School records should show training needs identified as a result of the strategy and how training was provided to enable staff to implement it. Where it is apparent that there are staff with significant training needs, implementation of the risk management strategy should be modified until relevant staff training has been provided. In some instances, staff training will be required as a matter of urgency so that implementation can take place without delay.

### **Evaluating impact and effectiveness**

Along with other aspects of their approach to restrictive physical intervention, schools should regularly review risk assessment and management measures. All evaluations of plans and strategies should be reported using school procedures and recorded in school records. These will make an important contribution to informing future planning and improving day-to-day practice.