

Restrictive physical intervention in schools:

Hampshire County Council guidance for schools

Hampshire Children's Services

Hampshire and Isle of Wight
Educational Psychology
and
Physical Intervention Steering Group.

January 2020



Hampshire
County Council



Hampshire
Services

HAMPSHIRE AND ISLE OF WIGHT
EDUCATIONAL PSYCHOLOGY

Contents

Restrictive physical intervention in schools: Context

Page 2

Guidance to schools on the use of restrictive physical intervention

Introduction	Page 5
Terms	Page 5
Principles for the use of physical intervention in schools	Page 5
When restrictive physical intervention can be used	Page 6
Who can use restrictive physical intervention	Page 6
What type of restrictive physical intervention can be used	Page 7
Planning	Page 8
Recording and reporting	Page 9
Supporting and reviewing	Page 9
Monitoring	Page 9
Concerns and complaints	Page 9

Restrictive physical intervention in schools: a model policy

Background	Page 11
Principles for the use of restrictive physical intervention	Page 11
When restrictive physical intervention can be used	Page 12
Who can use restrictive physical intervention	Page 13
Planning	Page 13
What type of restrictive physical intervention can be used	Page 15
Recording and reporting	Page 16
Supporting and reviewing	Page 16
Monitoring	Page 17
Complaints	Page 17
Reviewing this policy	Page 18
Appendix One: Summary guidance for staff	Page 19
Appendix Two: Authorised staff	Page 22
Appendix Three: Record of staff training	Page 23
Appendix Four: Risk assessment document	Page 24
Appendix Five: Related local and national guidance	Page 35
Appendix Six: Key Children's Services Department Personnel	Page 36
Appendix Seven: Signatures of staff who have read the Local Authority Restrictive Physical Intervention Policy Guidance and School Restrictive Physical Intervention Policy	Page 37

Restrictive physical intervention in schools

This document offers guidance to schools and other educational establishments on the circumstances in which restrictive physical intervention may be used and the procedures that should be in place around such use.

This guidance, *Restrictive physical intervention in schools: Hampshire County Council guidance for schools (2019)* supersedes *Restrictive physical intervention in schools: Hampshire County Council policy for schools, September 2012*.

This document has two main parts:

- 1 The first part is Hampshire County Council's guidance for schools on the use of restrictive physical intervention.
- 2 The second part offers a model policy on the use of restrictive physical intervention, which schools may adapt for their own use or refer to when writing their policy.

The model policy has been developed through the Physical Intervention Steering Group which has representatives from primary and secondary schools, special and mainstream schools, as well as Social Care and other Education posts. The policy has also been shared and agreed with the appropriate Hampshire Safeguarding Children Board (HSCB). A school which adopted and implemented the model policy would be following best practice as currently recognised within Hampshire.

Context

Children's Services acknowledges that there may be times when restrictive physical intervention is an appropriate response to the risks present in a given situation. The intervention must be reasonable and proportionate in relation to the situation. Although there is no legal definition of when it is reasonable to use force, to be judged lawful the force used needs to be in proportion to the risks present and the minimum needed to achieve the desired result. It is inappropriate to use force as a punishment.

Common law and statutory law power

Any citizen has the common law power to intervene in an emergency to use reasonable force in self defence, to prevent another person from being injured or committing a criminal offence.

All school staff who have control or charge of pupils also have statutory power, in addition to common law power.

Section 93 of the Education and Inspections Act (2006) enables school staff to use such force as is reasonable and proportionate to prevent a pupil from doing or continuing to do any of the following:

- a) committing an offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil)

- b) causing personal injury to, or damage to the property of, any person (including the pupil himself)
- c) 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.

Reasonable force may also be used in exercising statutory power, introduced under Section 45 of the Violent Crime Reduction Act 2006, to search pupils without consent for weapons. However, staff are strongly advised to consider the risks carefully and call the police if resistance is expected.

Policies, planning, monitoring and recording

Children's Services expects schools and other educational settings to have accessible policies in relation to physical intervention and behaviour management that staff are aware of and refer to when necessary. School policies and planning need to consider and identify emergency and planned responses when restrictive physical intervention may be necessary. Good practice dictates that staff, governing bodies and pupils and parents should be consulted in respect of the proposed policy. The use of force guidance states **no school** should have a '**no physical contact**' policy as this may hinder staff members use of statutory power and right to use reasonable force if deemed necessary.

- a) Safety is always a paramount concern and as such staff are not required or advised to use restrictive physical intervention if it is likely to put their own safety or the safety of others at risk.
- b) Planned responses to challenging behaviour should be informed by a completed risk assessment. Risk assessments of challenging behaviour should indicate if specific training in relation to restrictive physical intervention is necessary. The local authority offers such training using the Team Teach model.
- c) Restrictive physical interventions must be recorded in writing using a record sheet similar to that referred to in the document *Planning and Recording Physical Interventions in Schools 2019* <https://www.hants.gov.uk/educationandlearning/educationalpsychology/documents> within 24 hours. Good practice dictates that this is shared with parents.
- d) Children's Services expects that all those involved in a restrictive physical intervention, including the youngsters themselves and observers have the opportunity to debrief following the incident. It remains important that staff and children have a chance to reflect upon the event to consider how it could have been managed differently and therefore inform future risk assessments of such an event. Hampshire and Isle of Wight Educational Psychology have a number of pro-formas that can be used with both children and staff during a debriefing. Please see contact details in Appendix six.
- e) Schools should have a member of staff and a member of the governing body who are responsible for monitoring, analysing and responding to the use of restrictive physical interventions within their school. Governing bodies should ensure that a procedure is in place for recording significant incidents and then reporting these incidents as soon as possible to the pupil's parents. It is good practice for schools

to speak to parents about serious incidents involving the use of force. Schools are advised to report to parents, unless it is deemed that doing so would place the child at risk.

In deciding what is a serious incident, teachers should use their professional judgement and also consider:

- the pupil's behaviour and level of risk presented at the time of the incident
 - the degree of force used
 - the effect on the pupil or member of staff
 - the child's age.
- f) Schools are advised to have regard for Guidance from the Department for Education entitled *Use of Reasonable Force* (2013) and the joint guidance from the Department for Education and the Department for Health and Social Care entitled *Reducing the Need for Restraint and Restrictive Physical Intervention* (2019) in all matters relating to the use of restrictive physical intervention.

Guidance to schools on the use of restrictive physical intervention

1 Introduction

Schools are advised to refer to their physical intervention policy within the prospectus which they give to parents. A model paragraph might run:

We do all we can within our school to manage behaviour positively. However, there are times when we may need to use force to keep a child or children safe, or to maintain good order within the school. In such cases, we would always act within the principle of reasonable force. We have a policy which gives more detailed guidance on the use of restrictive physical intervention. This policy is available to parents on request.

School policies on physical intervention should be consistent with their related policies on Child Protection and Equal Opportunities, and with national and local guidance for schools on safeguarding children. In particular, careful attention should be paid to issues related to SEN and/or disability, gender and privacy, and to any specific requirements of certain cultural/religious groups.

The use, or potential use, of restrictive physical intervention where a member of staff uses force intentionally to restrict a child's movement against his or her will is likely to raise anxieties. Pupils and parents should be made aware that the County Council offers clear guidance to schools about the use of restrictive physical intervention. Staff should be clear that where they follow the guidance and where they act in good faith, their actions will be supported by their colleagues, headteacher, governing body and Children's Services Department.

2 Terms

This guidance uses the term "restrictive physical intervention" to refer to circumstances where "a member of staff uses force intentionally to restrict a child's movement against his or her will". The word "school" is used to refer to a "school or other educational establishment" (such as an Education Centre); the word "student" refers to any child or young person attending a school maintained by the County Council.

3 Principles for the use of restrictive physical intervention in schools

Children's Services acknowledges that there may be times where the use of restrictive physical intervention is a reasonable and proportional response to the risks present in a given situation. Whether or not the use of force was reasonable in a particular incident would depend on the particular circumstances of the situation. However, in all cases where restrictive physical intervention is used, it should be in the context of a range of positive approaches to promote more appropriate positive behaviour. In particular, restrictive physical intervention should only be used where there is no reasonably practicable less intrusive alternative.

The use of restrictive physical intervention should be consistent with the Department for Education (DfE) *Use of Reasonable Force* guidance (2013) which sets out the conditions under which reasonable force might be used in schools and the joint guidance from the Department for Education and the Department for Health and Social Care entitled *Reducing the Need for Restraint and Restrictive Physical Intervention* (2019), which details the context in which restraint should be used. School staff should recognise their duty of care both through what they actively do, and through what they refrain from doing.

Safety is always a paramount concern and as such staff are not required /advised to use restrictive physical intervention if it is likely to put them at risk themselves.

4 When restrictive physical intervention can be used

Section 93 of the Education and Inspection Act (2006) sets out three conditions under which reasonable force might be used in schools. It can be used to prevent a student from doing, or continuing to do any of the following:

1. committing an offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil)
2. causing personal injury to, or damage to the property of, any person (including the pupil himself)
3. 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 most usual circumstance in which reasonable force might be used is where a student's behaviour is causing or is likely to cause personal injury. School staff are advised to be very cautious about the use of reasonable force where there are not concerns about possible injury or damage to property and accordingly it should occur only in exceptional circumstances.

The main aim of restrictive physical intervention is usually to maintain or restore safety. It is acknowledged that there may be times when restrictive physical intervention may be justified as a reasonable and proportional response to prevent damage to property or to maintain good order and discipline at the school. However, school staff are advised to exercise caution before using restrictive physical intervention to achieve either of these goals.

Restrictive physical intervention should only be used where it is reasonable, proportionate and absolutely necessary. Remembering that restrictive physical intervention is the "last resort" is essential. Staff should take into consideration that the best interest of the child is paramount and this should then be weighed up against the safety and rights of others. To be confident in their judgements, staff should ensure they are up to date with recent legislation and guidance of good practice in the area.

5 Who can use restrictive physical intervention

All staff can use restrictive physical intervention to maintain safety in an emergency consistent with the principles of common law as detailed on page 2.

All teachers and any other person, who by virtue of their contract, have control or charge of pupils are authorised to use reasonable force under all the conditions in

section 4 above with regard to pupils attending that school (including those attending on a temporary basis).

Headteachers may also authorise additional staff to have control or charge of students and therefore be able to use reasonable force under all the conditions in section 4 above. In such cases, Headteachers should explain to those authorised staff what the authority entails; they should also explain to staff who are not authorised, what action they should take in the event of a serious incident. They should also clearly set out the duration of such authorisation.

Children's Services would advocate that it is good practice for all staff to receive appropriate training. This would include training relating to national and Hampshire guidance about the use of reasonable force and risk assessment, as well as training in understanding behaviour, planning for behaviour change and de-escalation techniques, as offered through Hampshire and Isle of Wight Educational Psychology training events.

6 What type of restrictive physical intervention can and cannot be used

Any use of restrictive physical intervention should be consistent with the principle of reasonable force. Hampshire County Council has issued (as an appendix to the model policy for schools) a set of guidelines for staff on how to use physical intervention in an emergency situation.

Where a risk assessment indicates that an individual student's behaviour is likely to need physical management, schools should ensure that identified staff have received appropriate training. This may include behaviour management, de-escalation, risk assessment, training on the Hampshire guidance and policy and physical intervention training.

The Children's Services Department has a pool of Behaviour Management and Physical Intervention Instructors who have been trained using the Team Teach model. Team Teach is an accredited training provider holding the Institute for Conflict Management (ICM) Foundation Award. Where physical intervention training is judged to be necessary, schools are strongly advised to seek training within the Team Teach model and within the Hampshire provided training model. Where they choose not to, it would be best practice to ensure that any alternative training provider is accredited by BILD, ICM or similarly accredited body, and are strongly advised to discuss this with the lead person within the Children's Services Department for physical intervention in schools, see Appendix 6.

Schools should not plan for and we do not advise, except in emergency situations, staff to use seclusion.

Seclusion is where a young person is forced to spend time alone in a room against their will.

Examples could include:

- Where a child has been escorted to a room in order to remove them from a dangerous situation and staff members observe them from outside of the room whilst holding the door shut (e.g. through a window), or the door being locked.
- Where a staff member has removed all the class members from a room and in order to prevent the pupil displaying the challenging behaviour from following, the door is shut so they are prevented from leaving.

In cases where schools have been using seclusion inappropriately they have found themselves open to legal challenge.

If schools wish to seek further advice around the use of seclusion, other than in an isolated emergency situation, they should contact the lead Educational Psychologist as named in Appendix 6 for further advice and guidance.

Schools should carefully consider wider issues around the *long term* segregation of children and young people (e.g., including the removal of outdoor spaces or educating children or young people away from peers) and be clear about how these relate to the Human Rights Act (1998). The reasons for any courses of action should be clearly explained to the young person and their family.

7 Planning

In an emergency, staff should do their best within the principle of reasonable force (proportionate to risk, necessary and last resort). In other situations, a risk assessment and intervention plan should be implemented.

The appropriate risk assessment document is an appendix of this document, as well as being available in the 'Planning and Recording Physical Intervention in Schools' booklet, available at <https://www.hants.gov.uk/educationandlearning/educationalpsychology/documents>

8 Recording and reporting

Where restrictive physical intervention has been used, schools should record this ideally within 24 hours of the incident using the record sheet issued in *Planning and recording physical interventions in schools* booklet or similar secure online recording system.

It is expected that all schools make a copy available to parents/carers and that parents are informed following a serious incident. The headteacher should also be informed. If using a record book, it should be kept in the Headteacher's/school office and all staff should have access to it. Records should be retained until the young person reaches the age of 22. It remains an important legal document and should be treated as such. Governing bodies should ensure that a procedure is in place for recording significant incidents and reporting these incidents as soon as possible to the pupil's parents.

9 Supporting and reviewing

It is distressing to be involved in a physical intervention whether as the student being held, the person doing the holding, or someone observing or hearing about what has happened. All those involved in the intervention should be offered an opportunity to talk about and record their feelings. Where appropriate, adults should also be offered support through Employee Support Line or Teacher Support Line.

10 Monitoring

Schools should nominate a member of staff to work with a member of the governing body to monitor, analyse and take appropriate action in response to the use of physical intervention. Such analysis should consider equality issues including, age, gender, disability, culture and religion in order to make sure that there is no potential discrimination; the analysis should also have regard to potential child protection issues. Analysis should also consider trends in the relative use of physical intervention across different staff members and across different times of day or settings. This analysis should be reported back to the Governing Body so that appropriate further action can be taken and monitored.

11 Concerns and complaints

The use of restrictive physical intervention is distressing to all involved and can lead to concerns, allegations or complaints of inappropriate or excessive use. In particular, a child might complain about the use of restrictive physical intervention in the heat of the moment but on further reflection might better understand why it happened. In other situations, further reflection might lead the child to feel strongly that the use of restrictive physical intervention was inappropriate. In addition it may be that the intervention may have been inappropriate in relation to the incident. School policies should set out the procedures that they will use to help children review their involvement in restrictive physical intervention. All schools are required to have a complaints procedure in place and make this available to parents.

The presence of a mark or bruise does not necessarily imply that excessive force has been used. Equally, the absence of a mark or bruise does not necessarily imply that excessive force has *not* been used. Any enquiries about the use of restrictive physical intervention will need to take into consideration the use of reasonable force and whether the correct procedures have been followed. This will involve consideration of

whether the use of force was in proportion to the circumstances and the way in which that force was applied.

School policies should make clear that the school will take seriously any concern, complaint or allegation, whether expressed verbally or in writing. They should also make clear that the school will keep written records of the concern, complaint or allegation, whether it came from child, carer or staff, how any enquiries were conducted and the action taken in response.

School policies should follow the guidance set out by the DfE *Keeping Children Safe in Education* (2018) and Hampshire County Council guidance at <https://www.hants.gov.uk/educationandlearning/safeguardingchildren>

The policy should clearly set out the circumstances where the local authority Designated Officer (Safeguarding Unit) should be involved. School policies should also describe any further stages of recourse under the school's complaints procedures if they are not happy with the outcome of any enquiries.

Restrictive physical intervention in schools: a model policy

1 Background

We define restrictive physical intervention as follows:

Restrictive physical intervention is when a member of staff uses force intentionally to restrict a child's movement against his or her will.

All staff within this setting aim to help children take responsibility for their own behaviour. We do this through a combination of approaches, which include:

- positive role modelling
- teaching an interesting and challenging curriculum
- setting and enforcing appropriate boundaries and expectations
- and providing supportive feedback.

More details about this and our general approach to promoting positive behaviour can be found in our behaviour policy.

There are times when children's behaviour presents particular challenges that may require restrictive physical intervention. This policy sets out our expectations for the use of such intervention. It is not intended to refer to the general use of physical contact which might be appropriate in a range of situations, such as:

- giving physical guidance to children (for example in practical activities and PE)
- providing emotional support when a child is distressed
- providing physical care (such as first aid or toileting).

This policy is consistent with our Child Protection and Equal Opportunities policies, and with national and local guidance for schools on safeguarding children.

We exercise appropriate care when using physical contact (there is further guidance in our Child Protection policy); there are some children for whom physical contact would be inappropriate (such as those with a history of physical or sexual abuse, or those from certain cultural/religious groups). We pay careful attention to issues of gender and privacy, and to any specific requirements of certain cultural/religious groups.

2 Principles for the use of restrictive physical intervention

2.1 In the context of positive approaches

We only use restrictive physical intervention where the risks involved in using force are outweighed by the risks involved in not using force. It is not our preferred way of managing children's behaviour. Restrictive physical intervention may be used only in the context of a well-established and well implemented positive behaviour management framework with the exception of emergency situations. We describe our approach to promoting positive behaviour in our Behaviour Policy. We aim to do all we can in order to avoid using restrictive physical intervention.

We would only use restrictive physical intervention where we judge that there is no reasonably practicable less intrusive alternative. However, there may be rare situations of such concern where we judge that we would need to use restrictive physical intervention immediately. We would use restrictive physical intervention at the same time as using other approaches, such as saying, "Stop!" and giving a warning of what might happen next. Safety is always a paramount concern and staff are not advised to use restrictive physical intervention if it is likely to put themselves at risk. We will make parents/guardians aware of our Physical Intervention policy alongside other policies when their youngster joins our school.

2.2 Duty of care

We all have a duty of care towards the children in our setting. This duty of care applies as much to what we *don't* do as what we *do* do. When children are in danger of hurting themselves or others, or of causing significant damage to property, we have a responsibility to intervene. In most cases, this involves an attempt to divert the child to another activity or a simple instruction to "Stop!" along with a warning of what might happen next. However, if we judge that it is necessary, we may use restrictive physical intervention.

2.3 Reasonable force

When we need to use restrictive physical intervention, we use it within the principle of reasonable force. This means using an amount of force in proportion to the circumstances. We use as little force as is necessary in order to maintain safety, and we use this for as short a period as possible.

3 When restrictive physical intervention might be used

The use of restrictive physical intervention may be justified where a pupil is:

1. committing an offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil)
2. causing personal injury to, or damage to the property of, any person (including the pupil himself); or
3. 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.

Restrictive physical intervention may also be appropriate where, although none of the above have yet happened, they are judged as highly likely to be about to happen.

We are very cautious about using restrictive physical intervention where there are no immediate concerns about possible injury or exceptional damage to property. Restrictive physical intervention would only be used in exceptional circumstances, with staff that know the student well and who are able to make informed judgements about the relative risks of using, or not using, restrictive physical intervention; for example stopping a younger child leaving the school site.

The main aim of restrictive physical intervention is usually to maintain or restore safety. We acknowledge that there may be times when restrictive physical intervention may be justified as a reasonable and proportional response to prevent damage to property or to maintain good order and discipline at the school.

However, we would be particularly careful to consider all other options available before using restrictive physical intervention to achieve either of these goals. In all cases, we remember that, even if the aim is to re-establish good order, restrictive physical intervention may actually escalate the difficulty.

If we judge that restrictive physical intervention would make the situation worse, we would not use it, but would do something else (like go to seek help, make the area safe or warn about what might happen next and issue an instruction to stop) consistent with our duty of care.

Staff take into consideration that the best interest of the child is paramount and this should then be weighed up against the safety and rights of others. To be confident in our judgements, we ensure staff are up to date with recent legislation and guidance of good practice in the area.

Our duty of care means that we might use a restrictive physical intervention if a child is trying to leave our site and we judged that they would be at unacceptable risk. This duty of care also extends beyond our site boundaries: there may also be situations where we need to use restrictive physical intervention when we have control or charge of children off site (e.g. on trips).

We never use restrictive physical intervention out of anger or as a punishment.

4 Who can use restrictive physical intervention

If the use of restrictive physical intervention is appropriate, and is part of a positive behaviour management framework, a member of staff who knows the child well should be involved, and where possible, trained through an accredited provider in the use of restrictive physical intervention. However, in an emergency, any of the following may be able to use reasonable force in the circumstances set out in Section 93 of the Education and Inspections Act (2006):

1. any teacher who works at the school, and
2. any other person whom the headteacher has authorised to have control or charge of pupils, including:
 - (a) support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors; and
 - (b) people to whom the headteacher 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) but not prefects.

5 Planning around an individual and risk assessment

In most situations, our use of restrictive physical intervention is in the context of a prior risk assessment which considers:

- a) What the risks are
- b) Who is at risk and how

- c) What we can do to manage the risk (this may include the possible use of restrictive physical intervention)

We use this risk assessment to inform the individual behaviour plan that we develop to support the child. If this behaviour plan includes restrictive physical intervention it will be as just one part of a whole approach to supporting the child's behaviour. The behaviour plan outlines:

- Our understanding of what the child is trying to achieve or communicate through his/her behaviour.
- How we adapt our environment to better meet the child's needs.
- How we teach and encourage the child to use new, more appropriate behaviours.
- How we reward the child when he or she makes progress.
- How we respond when the child's behaviour is challenging (responsive strategies).

We pay particular attention to responsive strategies. We use a range of approaches (including humour, distraction, relocation, and offering choices) as direct alternatives to using restrictive physical intervention. We choose these responsive strategies in the light of our risk assessment.

We draw from as many different viewpoints as possible when we anticipate that an individual child's behaviour may require some form of restrictive physical intervention. In particular, we include the child's perspective. We also involve the child's parents (or those with parental responsibility), advocates where appropriate, staff from our school who work with the child, and any visiting support staff (such as Educational Psychologists, Primary Behaviour Service, Speech and Language Therapists, Social Workers and colleagues from the Child and Adolescent Mental Health Services). We record the outcome from these planning meetings and seek parental signature to confirm their knowledge of our planned approach. We review these plans at least once every four to six months, or more frequently if there are any concerns about the nature or frequency of the use of restrictive physical intervention or where there are any major changes to the child's circumstances.

We recognise that there may be some children within our school who find physical contact in general particularly unwelcome as a consequence of their culture/religious group or disability. There may be others for whom such contact is troubling as a result of their personal history, in particular of abuse. We have systems to alert staff discreetly to such issues so that we can plan accordingly to meet individual children's needs.

Where an individual child has an individual positive behaviour management plan, which includes the use of restrictive physical intervention, we ensure that such staff receive appropriate training and support in behaviour management as well as restrictive physical intervention. We consider staff and children's physical and emotional health when we make these plans and consult with the child and their parents/guardians.

Where a child does not have an existing behaviour plan or risk assessment – i.e., in an emergency, staff do their best, using reasonable force within their duty of care.

6 What type of restrictive physical intervention can be used

Any use of restrictive physical intervention by our staff should be consistent with the principle of reasonable force. In all cases, staff should be guided in their choices of action by the principles in section 2 above.

Staff should not act in ways that might reasonably be expected to cause injury, for example by:

- holding a child around the neck or collar or in any other way that might restrict the child's ability to breathe
- twisting or forcing limbs against a joint
- holding a child by the hair or ear.

Where staff need specific training in the use of restrictive physical intervention, we arrange that they should receive Team Teach training, through Hampshire County Council. This training is accredited by the Institute of Conflict Management (ICM). We ensure that staff have access to appropriate refresher training.

Further, we actively work to ensure general training is accessed by our staff in the following areas:

- those relating to legal issues policy and risk assessment
- understanding behaviour and planning for change.
- de-escalation techniques.

A record of such training is kept and monitored. See Appendix 3.

We do not plan for and do not advise, except in emergency situations, staff to use seclusion.

Seclusion is where a young person is forced to spend time alone in a room against their will.

Examples could include:

- Where a child has been escorted to a room in order to remove them from a dangerous situation and staff members observe them from outside of the room whilst holding the door shut (e.g. through a window), or the door being locked.
- Where a staff member has removed all the class members from a room and in order to prevent the pupil displaying the challenging behaviour from following, the door is shut so they are prevented from leaving.

If we need to seek further advice around the use of seclusion, other than in an isolated emergency situation, we would contact the lead Educational Psychologist as named in Appendix 6 for further advice and guidance.

We carefully consider wider issues around the *long term* segregation of children and young people (e.g., including the removal of outdoor spaces or educating children or young people away from peers) and are clear about how these relate to Article 5 of

the Human Rights Act (1998). The reasons for any courses of action should be clearly explained to the young person and their family.

7 Recording and reporting

We record any use of restrictive physical intervention using the record form online (<https://www.hants.gov.uk/educationandlearning/educationalpsychology/documents>) We do this as soon as possible after an event, ideally within 24 hours. Where an incident causes injury to a member of staff, it should be recorded as per the corporate accident/incident reporting procedure using the online report form. Further, our governing body ensures that procedures are in place for recording significant incidents and then reporting these incidents as soon as possible to pupil's parents.

After using restrictive physical intervention, we ensure that the headteacher is informed as soon as possible. We also inform parents by phone (or by letter or note home with the child if this is not possible). A copy of the record form is also available for parents to read. Records are retained for 22 years after the date of birth of the child.

In rare cases, we might need to inform the police, such as in incidents that involve the possession of weapons. This would be in line with our general practice, informed by the DfE Guidance *Searching, Screening and Confiscation: Advice for schools* (2018) and Section 45 of the *Violent Crime Reduction Act 2006*.

8 Supporting and reviewing

We recognise that it is distressing to be involved in a physical intervention, whether as the child being held, the person doing the holding, or someone observing or hearing about what has happened.

After a restrictive physical intervention, we give support to the child so that they can understand why it was necessary. Where we can, we record how the child felt about this¹. Where it is appropriate, we have the same sort of conversations with other children who observed what happened. In all cases, we will wait until the child has calmed down enough to be able to talk productively and learn from this conversation. If necessary, the child will be asked whether he or she has been injured so that appropriate first aid can be given. This also gives the child an opportunity to say whether anything inappropriate has happened in connection with the incident.

We also support adults who were involved, either actively or as observers, by giving them the chance to talk through what has happened with the most appropriate person from the staff team.

A key aim of our after-incident support is to repair any potential strain to the relationship between the child and the people that were involved in the restrictive physical intervention.

¹ We use the guidance in the Hampshire document *Planning and recording physical intervention in schools* (updated 2019) – we support the child to help them record their views.

After a restrictive physical intervention, we consider whether the individual behaviour plan needs to be reviewed so that we can reduce the risk of needing to use restrictive physical intervention again.

9 Monitoring

We monitor the use of restrictive physical intervention in our school. *****and *****¹***** are responsible for reviewing the records on a termly basis, and more often if the need arises, so that appropriate action can be taken. The information is also used by the governing body when this policy and related policies are reviewed.

Our analysis considers equalities issues such as age, gender, disability, culture and religion issues in order to make sure that there is no potential discrimination; we also consider potential child protection issues. We look for any trends in the relative use of restrictive physical intervention across different staff members and across different times of day or settings. Our aims are to protect children, to avoid discrimination and to develop our ability to meet the needs of children without using restrictive physical intervention. We report this analysis back to the governing body so that appropriate further action can be taken and monitored.

10 Concerns and complaints

The use of restrictive physical intervention is distressing to all involved and can lead to concerns, allegations or complaints of inappropriate or excessive use. In particular, a child might complain about the use of restrictive physical intervention in the heat of the moment but on further reflection might better understand why it happened. In other situations, further reflection might lead the child to feel strongly that the use of restrictive physical intervention was inappropriate. This is why we are careful to ensure all children have a chance to review the incident after they have calmed down.

If a child or parent has a concern about the way restrictive physical intervention has been used, our school's complaints procedure explains how to take the matter further and how long we will take to respond to these concerns.

Where there is an allegation of assault or abusive behaviour, we ensure that the headteacher is immediately informed. We would also follow our child protection procedures. In the absence of the headteacher, in relation to restrictive physical intervention, we ensure that the deputy headteacher is informed. If the concern, complaint or allegation concerns the headteacher, we ensure that the Chair of Governors is informed.

Our staff will always seek to avoid injury to the pupil, but it is possible that bruising or scratching may occur accidentally. This is not to be seen as necessarily a failure of professional technique but a regrettable and infrequent side effect of making sure the service user remain safe.

If parents/carers are not satisfied with the way the complaint has been handled, they have the right to take the matter further as set out in our complaints procedure.

¹ Insert the names of the relevant people here. These should be a member of staff working with a representative from the governing body.

The results and procedures used in dealing with complaints are monitored by the governing body.

11 Reviewing this policy

We adopted this policy on*****. It is next due for review by ****³.

³ This would depend on the individual setting, but it is recommended that this should be at least every two years.

Appendix One: Summary guidance for staff on the use of physical intervention

Introduction

This guidance for staff is a summary of our school's detailed policy on the use of physical intervention. Where staff are in any doubt about the use of physical intervention, they should refer to the full policy.

This summary guidance refers to the use of restrictive physical intervention (restraint) which we define as "when a member of staff uses force intentionally to restrict a child's movement against his or her will". Staff should not feel inhibited from providing physical intervention under other circumstances, such as providing physical support or emotional comfort where such support is professionally appropriate. The use of such support must be consistent with our Child Protection policy.

Who can restrain? Under what circumstances can restraint be used?

Everyone has the right to use reasonable force to prevent actual or potential injury to people or damage to property (Common law power). Injury to people can include situations where a child's behaviour is putting him or herself at risk. In all situations, staff should always aim to use a less intrusive technique (such as issuing direct instructions, clearing the space of danger or seeking additional support) unless they judge that using such a technique is likely to make the situation worse.

Teachers and other authorised staff (see full policy for more details about this) may also use reasonable force where a child's behaviour is prejudicial to the maintenance of good order. Staff should be very cautious about using restrictive physical intervention under such circumstances, as it would only be appropriate in exceptional circumstances.

Statutory power - Section 93 of the *Education and Inspections Act (2006)* enables school staff under statutory power to use such force as is reasonable and proportionate to prevent a pupil from doing or continuing to do any of the following:

- committing an 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) and
- 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).

Restraint should never be used as a substitute for good behaviour management, nor should it be employed in an angry, frustrated, threatening or punishing manner.

Although all staff have a duty of care to take appropriate steps in a dangerous situation, this does not mean that they have to use restraint if they judge that their attempts to do so are likely to escalate the situation. They may instead issue a direction to stop, call for additional assistance or take appropriate action to make the environment as safe as possible (e.g. by clearing the room of children).

Where it is anticipated that a individual pupil's behaviour makes it likely that they may be restrained, a risk assessment and intervention plan should be developed and implemented.

What type of restraint can be used?

Any use of restrictive physical intervention should be consistent with the principle of reasonable force. This means it needs to be in proportion to the risks of the situation, and that as little force is used as possible, for as short a period of time, in order to restore safety. Staff should:

Before physical contact:

Use all reasonable efforts to avoid the use of physical intervention to manage children's behaviour. This includes issuing verbal instructions and a warning of an intention to intervene physically.

Try to summon additional support before intervening. Such support may simply be present as an observer or may be ready to give additional physical support as necessary.

Be aware of personal space and the way that physical risks increase when a member of staff enters the personal space of a distressed or angry child. (Staff should also note that any uninvited interference with a student's property may be interpreted by them as an invasion of their personal space.) Staff should either stay well away or close the gap between themselves and the child very rapidly, without leaving a "buffer zone" in which they can get punched or kicked.

Avoid using a "frontal", "squaring up" approach, which exposes the sensitive parts of the body, and which may be perceived as threatening. Instead, staff should adopt a sideways stance, with their feet in a wide, stable base. This keeps the head in a safer position, as well as turning the sensitive parts of the body away from punches or kicks. Hands should be kept visible, using open palms to communicate lack of threat.

Where physical contact is necessary:

Aim for side-by-side contact with the child. Staff should avoid positioning themselves in front of the child (to reduce the risk of being kicked) and should also avoid adopting a position from behind that might lead to allegations of sexual misconduct. In the side-by-side position, staff should aim to have no gap between the adult's and child's body. This minimises the risk of impact and damage.

Aim to keep the adult's back as straight and aligned (untwisted) as possible. We acknowledge that this is difficult, given that the children we work with are frequently smaller than us.

When attempting to make safe if a child has hold of another person (adult or child), ensure they are able to release their grip, but stabilise their position for balance, and make safe by ensuring they cannot pull away.

Beware in particular of head positioning, to avoid clashes of heads with the child.

Hold children by “long” bones, i.e. avoid grasping at joints where pain and damage are most likely. For example, staff should aim to hold on the forearm or upper arm rather than the hand, elbow or shoulder.

Ensure that there is no restriction to the child’s ability to breathe. In particular, this means avoiding holding a child around the chest cavity or stomach.

Do all that they can to avoid lifting children.

Keep talking to the child (for example, “When you stop kicking me, I will release my hold”) unless it is judged that continuing communication is likely to make the situation worse.

Don’t expect the child to apologise or show remorse in the heat of the moment.

Use as little restrictive force as is necessary in order to maintain safety and for as short a period of time as possible.

After an incident

It is distressing to be involved in a restrictive physical intervention, whether as the child being held, the person doing the holding, or someone observing or hearing about what has happened. All those involved in the incident should receive support to help them talk about what has happened and, where necessary, record their views.

Where appropriate and possible, we also encourage staff to contact the Employee Support Line (ESL), a confidential counselling/support line on 023 8062 6606 or Teacher Support Line on 08000 562 561.

Staff should inform the headteacher as soon as possible after an incident of restrictive physical intervention; parents/carers should also be informed. The physical intervention record should be completed as soon as possible and in any event within 24 hours of the incident. There should also be a review following the incident so that lessons can be learned to reduce the likelihood of recurrence in the future.

Appendix Two: Authorised staff

Teachers and those whose contracts give them control and charge of pupils are authorised by statute to use reasonable force if necessary in order to prevent a pupil from doing, or continuing to do any of the following:

1. committing an offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil).
2. causing personal injury to, or damage to the property (including the pupil himself).
3. 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.

However, school staff are cautious about the use of restrictive physical intervention under the “prejudicial to the maintenance of good order and discipline” clause and would only do this in exceptional circumstances, with staff that know the student well and who are able to make informed judgements about the relative risks of using, or not using, restrictive physical intervention.

The headteacher may wish to specifically authorise other individuals to have control and charge of pupils for a specific period of time, e.g. for the duration of a school trip. The headteacher should ensure that these people, and everyone automatically authorised by contract, are aware of what the authorisation means. The headteacher should also ensure that those not authorised have been told what steps to take in the case of an emergency.

Appendix Three: Record of staff training

The table below is record of all staff training relating to behaviour management, preventative approaches, managing conflict and restrictive physical intervention techniques.

Names of those trained	Dates of training	Course attended	Dates for future refresher training

Appendix Four: Risk Assessment document

CHILDREN'S SERVICES RISK ASSESSMENT TEMPLATE FORM RATF-024

Challenging Behaviour In School Risk Assessment (replace with more accurate title of risk assessment if required)

To be completed using local information & using the **Part 3 Guidance Notes** within this document

This assessment is in three parts:
Part 1 – General information & assessment summary comments
Part 2 – The assessment
Part 3 – Guidance notes for carrying out the assessment

PART 1	GENERAL INFORMATION & ASSESSMENT SUMMARY COMMENTS
---------------	--

School / Site	Insert school or site where assessment being carried out
Name of pupil	Insert name of pupil whose behaviour is being assessed
Year group	Insert year group of pupil under assessment
Assessment date	Insert date when risk assessment is being carried out
Assessment serial number	Insert local serial/identification number for future reference

Assessor's comments	Insert comments relevant to findings as appropriate

Name of assessor	Signature of assessor	Date

Assessment reviews	Set future review dates and sign/comment upon comments		
Review date	Reviewed by	Reviewer signature	Remarks

PART 2	The Assessment
---------------	-----------------------

Behaviours causing concern

Use Table One to record the first two aspects of the risk assessment.

Target

The target column should be used to indicate the person to whom the challenging behaviour is usually directed, using the following key:

- Self** The pupil – him or herself
- Staff** Members of staff
- Visitor** Visitors to the school; members of the public when outside of school
- Pupils** Other pupils
- Property** The physical environment

Probability

Record an informed estimate of the likelihood that the behaviour will occur again, ranging from:

- HL** Highly likely. Existing evidence leads staff to conclude that the behaviour is more likely than not to occur again.
- L** Likely. There is a possibility that the behaviour will occur again.
- U** Unlikely. Although the behaviour has occurred before, the context has changed or can be changed to make it unlikely to happen again

Seriousness

Make a judgement about the seriousness of each predicted behaviour.

- A** This would include physical injury requiring medical attention beyond basic first aid; extensive damage to property; significant distress caused to self or others; or lengthy disruption to the normal school routines.
- B** This includes physical injury requiring basic first aid within the school; minor damage to property; some distress caused to self or others; or brief disruption to normal school routines.
- C** No physical injury or damage to property; minor distress or disruption.

Influencing factors

These are described in more detail in Table Two. The numbers referring to each factor may be transcribed as appropriate.

Table One

BEHAVIOURS CAUSING CONCERN				
Behaviour (risk)	Target	Probability	Seriousness	Influencing factors
Verbal aggression (threatening, swearing)				
Physical aggression:				
Kicking				
Punching				
Biting Scratching Spitting (circle as appropriate)				
Hair pulling				
Intimidation communicated by physical action				
Other – please specify				
Property destruction				

Running away from immediate environment				
Running off site				
Refusal to move				
Use of equipment as weapon (throwing or hitting)				
Use of weapon				
Other (please specify)				

Influencing factors

Risk assessment also involves an analysis of the “hazards” – the environmental factors which influence the probability of the behaviour causing concern. In a school situation, these “hazards” are likely to include features of the daily timetable, and interaction with other pupils, and even the skills that adults demonstrate when working with the pupil.

Use Table Two below to show the factors that are associated with the behaviours causing concern.

Table Two (overleaf)

Table Two

POSSIBLE INFLUENCING FACTORS	
1. Periods of unstructured activity	
2. Transition times	
3. Availability of dangerous equipment	
4. Periods of increased pressure e.g. a Home factors (change of home circumstances) b School factors (assessment periods, routine changes) c Other (please specify)	
5. Spaces which involve close physical proximity	
6. Particular pupils/adults (please specify)	
7. Other (please specify)	

Some influencing factors will be particularly closely related to particular behaviours. You may choose to show this by recording the number relating to each influencing factor in the final column of Table One. This will enable you to plan your preventive measures more specifically.

Preventive measures

A range of common preventive measures can be taken to reduce the risk associated with challenging behaviour. Use the table below to show whether these are:

- Currently in place (**P**)
- Currently being actioned (**A**)
- Felt to be inappropriate to the particular risks presented (**I**)

Table Three

PREVENTIVE MEASURES	P	A	I
Proactive measures			
Eliciting pupil view in planning and review			
Providing regular feedback and pastoral support to pupil			
Involving parent/carer in decision-making and planning			
Involving outside agencies (e.g. EP, EWO, Social Services)			
Establishing an individual plan			
Providing regular supervision to staff working with the pupil			
Adapting curriculum arrangements to reflect challenge, choice and structure levels appropriate to the pupil's assessed needs			
Adapting group arrangements to promote positive peer models and minimise inappropriate contact			
Arranging furniture and other equipment to minimise movement and frustration			
Providing frequent rest or change of activity opportunities			
Establishing a positive teaching programme to increase the pupil's range of appropriate skills			
Providing a range of rewards which the pupil can earn by demonstrating the skills defined in the teaching programme, and through other appropriate behaviour			
Identifying the message communicated by the pupil's behaviour			
Agreeing key reactive strategies for handling incidents of challenging behaviour with all staff likely to be in contact with the pupil, and ensuring that these plans are shared with parents			
Providing staff support at difficult times, such as start of day, changeover between lessons, break times, specific lessons			

Systematically reviewing difficult incidents in order to improve upon practice and learn from experience			
Other proactive measures (Please specify)			
Reactive strategies to respond to early warning signs or an escalating situation			
	P	A	I
Active listening			
Environmental adaptation (removing triggers, changing peer/staffing arrangements)			
Diversion/distraction to a preferred activity (Please specify)			
Assistance in the use of an agreed strategy such as a particular communication symbol, or an exit card (Please specify)			
Physical intervention (See Note 1) (Please specify the planned technique)			
Other (Please specify)			

Note 1

All physical intervention must take place within the context of Hampshire's policy and guidance for schools around physical intervention. Specific training in physical intervention is available through Hampshire and Isle of Wight Educational Psychology.

Key actions

It is expected that any pupil whose behaviour is challenging will have an individual behaviour management plan. This will already record many of the preventive and reactive strategies designed to reduce the level of risk presented by the pupil's behaviour. There is no need to repeat these below. Instead, note the date when this plan was initially drawn up, and its proposed review date, and use the space available below to record any *additional* measures to be employed to reduce risk and the person responsible for implementing changes.

Date of current individual management plan:

Proposed date for review of current plan:

FURTHER MEASURES TO BE TAKEN	RESPONSIBLE PERSON

Table Four

ASSESSMENT SUMMARY				
Challenging behaviour risk assessment summary for:			Completed on:	
<u>Behaviour(s) causing Concern</u>	Environment(s) where it is likely to be shown	Seriousness (A, B or C)	Key preventive strategies	Key reactive strategies

END OF ASSESSMENT

Introduction to risk assessment

The Health and Safety Executive recommend five steps to risk assessment:

1. Look for the hazards
2. Decide who might be harmed and how
3. Evaluate the risks and decide whether the existing precautions are adequate or whether more should be done
4. Record your findings
5. Review your assessment and revise it if necessary

Risk assessments of challenging behaviour are influenced by the complex, interactional nature of human behaviour. Most young people will already be supported through individual plans, which will include reference to many aspects of risk assessment.

The following format is offered as one way of addressing the five steps above, but should be seen in the context of all the other positive planning that already takes place. This detailed level of risk assessment will not be appropriate in all circumstances but is important where there is feeling that individual or collective behaviours represent a significant hazard.

The framework contains the following sections:

Behaviours causing concern

This section allows a clear description of risks – what types of behaviour does the pupil engage in, which present a risk to others? Action taken in response to this level of risk will vary according to the probability of the behaviour occurring, and the usual intended target for each behaviour.

Possible influencing factors

Behaviour is influenced by the context in which it occurs. This section allows staff to identify key contextual factors such as the physical and social environment, the curriculum and the recent personal history of the pupil.

Preventive measures

Schools can take a range of preventive measures to reduce the risk of challenging behaviour being shown, or to reduce its intensity and duration if it has started. Some preventive measures may be implemented before the challenging behaviour even occurs; others will be responses to early warning signs, or an escalating situation. Specific actions will be related to the assessment of the behaviour and its influencing factors.

Monitoring and review

Behaviour changes over time, and risk assessments will also need to change. Review cycles for individual plans are built into the Special Educational Needs Code of Practice, and it will be important for risk assessments to be reviewed at least as often as twice yearly in order for them to be useful documents. In many cases, the review pattern will need to be more frequent.

These reviews need to be informed by data about the ongoing level of risk. This document does not recommended formats for gathering this data, as many sources will already be available within the school. Data sources will include:

- The young person's views
- The views of those that know the young person from school, at home and in other relevant settings
- Specific incident report forms, such as violent incident records, physical intervention report forms and pastoral records of serious incidents
- Details of points/merits etc. awarded for appropriate behaviour

Useful questions to ask at the review stage include:

- Are any new patterns emerging?
- Has the duration, frequency or intensity of the behaviour changed?
- Has the level of risk altered?
- Which preventive and reactive strategies are working/not working? Why? How do we know?
- Is there anyone else who needs to be involved in the planning and review process?

Key actions

It is important that the risk assessment process does not simply replicate planning and intervention already recorded in other places. The "Key actions" section simply provides a format for recording any actions that are additional to those already recorded.

Risk assessment summary

Some schools may choose to complete the Assessment Summary shown as Table Four so that the key points arising can be shared easily amongst staff. A number of separate behaviours can be recorded with recommended action against each behaviour.

Appendix Five: Related local and national guidance

This policy has been written in the light of more specific guidance that is available to schools.

The main national guidance refers to the Education and Inspections Act (2006) and is:

Department for Education and the Department for Health and Social Care (2019) *Reducing the Need for Restraint and Restrictive Physical Intervention*

Department for Education (2018) *Keeping Children Safe in Education: for schools and colleges*

Department for Education (2018) *Searching, Screening and Confiscation: Advice for schools*

Department for Education (2016) *Behaviour and Discipline in Schools. Guidance for headteachers and staff.*

Department for Education (2013) *The Use of Reasonable Force*

Our school policy is based on guidance from Hampshire County Council:

Hampshire County Council (2019) *Planning and recording physical interventions in schools*

Appendix Six: Key Children's Services Department Personnel

Lead person for Physical Intervention (Education) on behalf of the Physical Intervention Steering Group:

Helen Carlow, Educational Psychologist
Clarendon House.

Tel: 01962 876217:

Email: helen.carlow@hants.gov.uk



Appendix Seven: Signatures of staff who have read the Local Authority Restrictive Physical Intervention Policy, Guidance and School Restrictive Physical Intervention Policy

Name and job title	Signature	Date signed

This document was published according to non-statutory and statutory guidance and is subject to change

Published by
Hampshire County Council Children's Services
2020