



CYFLAWNI **TEGWCH** A **RHAGORIAETH** MEWN **ADDYSG** A **GWELL LLES** I BAWB
EQUITY AND **EXCELLENCE** IN **EDUCATION** AND **ENHANCED WELLBEING** FOR
ALL

Policy and Guidance for Schools

**Restrictive Physical Intervention:
the use of reasonable force to restrain and control
children and young people**

RCT Access and Inclusion Services

This document is available in Welsh
Mae'r ddogfen yma ar gael yn y Gymraeg

January 2023

Contents

Summary

Introduction

1. What The Law Says
2. Responsibilities Of Schools
3. Staff Training
4. Recording And Reporting Incidents
5. Supporting and Reviewing
6. Monitoring
7. Concerns and Complaints
8. Physical Contact With Pupils In Other Circumstances

Appendix 1 Suggested School Policy Framework

Appendix 2 Model Policy

Appendix 3 Positive Handling Plan

Appendix 4 Dos & Don'ts

Appendix 5 Summary Guidance for Staff on use of Physical Intervention

Summary

This Policy document provides governing bodies, head teachers, teachers and other staff working in schools with guidance and support on the use of restrictive physical intervention and restraint in schools within Rhondda Cynon Taf County Borough Council. Throughout the document, the terms 'restrictive physical intervention (RPI)' and 'restraint' will be referred to and will be considered to reflect the same meaning. The terms refer to an act carried out with the purpose of restricting an individual's movement, liberty and/or freedom to act independently which the definition is provided by the Equality and Human Rights Commission Framework for Restraint. (March, 2019)

The policy is intended to support schools in providing a safe environment for both staff and children and young people and applies equally to mainstream, pupil referral units and special schools. The policy and advice set out in this document provide a framework of principles within which judgements by staff should be made, and specific incidents addressed. Staff should be aware that their employment imposes on them a duty of care in order to maintain an acceptable level of safety. Written guidelines cannot anticipate every situation. It is, however, the intention of this document to offer both young people and staff a level of protection and pays regard to the guidance provided by The Welsh Government document 'Safe and effective intervention – use of reasonable force and searching for weapons' (Guidance document 097/2013) and section 93 of 'The Education and Inspectors Act 2006.' These powers commenced in October 2010 and replaced section 550A of the Education Act with minor changes.

This guidance also reflects the requirements of the Equality and Human Rights Commission Framework for Restraint (March, 2019). In accordance with this framework, this guidance reflects the requirements of Article 3 (prohibition of torture, inhuman and degrading treatment); Article 8 (respective for autonomy, physical and psychological integrity) and Article 14 (non-discrimination) of the European Convention on Human Rights as incorporated into domestic law by the Human Rights Act of 1998.

RCT County Borough 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 shared with governors, parents and pupils. The intention of this guidance is to ensure there is an overall framework to assist all schools, special schools and pupil referral units to formulate and develop its own particular policies and procedures in relation to using reasonable force to control and manage the behaviour of pupils.

Schools are advised to refer to their restrictive physical intervention policy within the prospectus that 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 physically intervene/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 that gives more detailed guidance on the use of restrictive physical intervention

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 Special Educational Needs (SEN)/ Additional Learning Needs (ALN) and/or disability,

gender and privacy, and to any specific requirements of certain cultural/religious groups. This policy should be read in conjunction with the RCT *Assessing and Managing Risks: Learners who present challenging behaviours* guidance for schools.

Some strategies and approaches can appear to focus upon physically restrictive methods and techniques such as holds that are only part of the continuum of behaviour management strategies that are needed to manage challenging behaviour. Therefore the Welsh Government in its *Safe and Effective Intervention Guidance (097/2013)* uses the term “reasonable force” to describe physical safeguarding action.

The use of reasonable force is only one aspect of the strategies available to staff when managing challenging behaviour. It is very important that all preventative steps have been taken to negate the need to use reasonable force. The use of reasonable force should be viewed very much as the final option. Staff should be encouraged to ensure that pupils who present with challenging behaviour are presented with opportunities to behave effectively through:

- Positive behaviour management programmes
- De-escalation & Conflict resolution strategies
- Calming strategies

In this guidance reference is made to restraint and restrictive physical intervention within which the use of reasonable force is a strategy available to staff if they have exhausted all other approaches or a pupil or member of staff's health and safety is at risk.

The use, or potential use, of RPI 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 reassured that the Council offers clear guidance to schools about the use of force. Staff should be reassured that where they follow the guidance set out in the model policy and where they act in good faith, their actions will be supported by their colleagues, head teacher, governing body and Access and Inclusion Services.

1 Introduction

1.1 This guidance provides direction on the powers of school staff to use force set out in Section 93 of the Education and Inspections Act 2006.

1.2 All school staff members have a legal power to use force to prevent pupils committing a criminal offence, injuring themselves or others, or damaging property; and to maintain good order and discipline amongst pupils. However that use must be:

- necessary,
- reasonable *and*
- proportionate

1.3 Human Rights Framework for Restraint (March, 2019), reiterates the need for this legal framework governing the use of restraint. It sets out the following principles: the means of restraint and its duration must be necessary, and no more than necessary, to accomplish the aim. This requires consideration of whether there is a less intrusive measure that could reasonably achieve the aim. Fair balance needs to be

struck between the severity and consequences of the interference for the individual being restrained and the aim of the restraint. This requires consideration of any reasons why an individual may be vulnerable to harm, such as their age, experience of trauma, health conditions or disabilities.

- 1.4 The focus should be on preventing, as far as possible, the need for the use of force on pupils, by creating a calm, orderly and supportive school climate that lessens the risk and threat of violence of any kind. The use of force should only be a last resort, schools should minimise the possibility of force being needed. This may not always be possible and in such circumstances staff should be aware of sensitivities associated with any form of physical contact with pupils.
- 1.5 Schools should never seek to inhibit the ability of staff to use force by adopting a 'no-contact' policy. The power to use force helps ensure pupil and staff safety. A 'no-contact' policy may place a member of staff in breach of their duty of care towards a pupil, or prevent them taking an action needed to prevent a pupil causing injury to others or damage to property.
- 1.6 The purpose of legislating on the use of force was to provide a clear and transparent power which enables staff to use reasonable force on pupils in specified circumstances, whilst at the same time, also protecting children and young people from physical violence, injury or abuse, as set out in Article 19 of the United Nations Convention on the Rights of the Child. This document provides guidance on how the power should be exercised, particularly to:
 - help school staff to understand what the law means for them in practical terms;
 - protect pupils by reducing the risks that force may be used inappropriately; and
 - provide advice on good practice;
- 1.7 Although the Education and Inspections Act 2006 specifically refers to "force" this covers the broad range of strategies that involve a degree of physical power to prevent pupils from hurting themselves or others, damaging property or causing disorder. The range stretches from leading a pupil to safety by the hand or arm, through to extreme circumstances where a pupil needs to be restrained to prevent violence or injury to themselves or others.

In schools, force is generally used for two different purposes – to control pupils and to restrain them:

- Control can mean either passive physical contact (e.g. standing between pupils) or active physical contact (e.g. leading a pupil by the hand or arm, or ushering a pupil away by placing a hand in the centre of the back).
- When members of staff use "restraint" they physically prevent a pupil from continuing what they were doing after they have been clearly told to stop.
- Restraint techniques are usually used in more extreme circumstances, such as when two pupils are involved in a fight and physical intervention is needed to separate them.

1.8 **When restrictive physical intervention can be used**

When a decision is being made to restrain a child, the child's best interests must be a primary consideration. Examples of situations when restrictive physical intervention can be used include:

- 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 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 any person (including the pupil himself)
- to prevent a pupil behaving in a way that seriously disrupts a school sporting event or school visit.
- committing an offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil)
- 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 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.

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. 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 be particularly careful to consider all other options available before using restrictive physical intervention to achieve either of these goals. Restrictive physical intervention should only be used where a member of staff judges that its use is likely to achieve one of these aims, and crucially, only where it is consistent with the principles outlined in section 3. Remembering that restrictive physical intervention is used as the "last resort" is paramount. A record of the incident should be made as soon as practically possible, while the incident is still easy to recall.

1.9 Wherever possible, these judgements should take account of the particular characteristics of the pupil, including his or her age, understanding and any SEN/ALN 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.

1.10 Who can use restrictive physical intervention

All staff can use restrictive physical intervention to maintain safety in an emergency.

In an emergency, staff should do their best within the principle of reasonable force (proportionate to risk). In other situations, a risk assessment and intervention plan should be implemented. All those employed to teach in a school are authorised by virtue of their contract which gives them control and charge of pupils, to use reasonable force under all the conditions in section 1.6 above with regard to pupils attending that school (including those attending on a temporary basis).

- 1.11** The guidance should help schools to understand what the law means for them in practical terms, as well as providing them with advice on good practice. The purpose of the law and this guidance is to protect staff and pupils, prevent serious damage or disruption and reduce the likelihood of actions by staff being successfully challenged in the courts. Schools would therefore be strongly advised to follow the guidance but it should not be treated as a complete and authoritative statement of the law. Interpreting the law is a matter for the courts.
- 1.12** The guidance should be seen within the wider context of the Welsh Government's Framework for Restrictive Physical Intervention Policy and Practice (2019)¹

2. What the law says

Section 93 of the Education and Inspections Act 2006 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);

¹<https://gov.wales/sites/default/files/consultations/2019-10/consultation-document-reducing-restrictive-practices-framework.pdf>

- 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 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); and 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)

- 2.1** 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).
- 2.2** 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.
- 2.3** 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.
- 2.4** On preventing other types of criminal offence, Section 93 provides essential clarification. It is by no means clear that all the behaviours that prejudice school discipline are also criminal offences and most primary pupils are below the age of criminal responsibility. So 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.
- 2.5** 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 Government strongly advises schools not to search pupils where resistance is expected, but rather to call the police.

2.6 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 1996. The use of force should be an act of care and control, not punishment. It is unlawful to use any degree of physical contact that is deliberately intended to punish a child or young person or which is intended to cause pain, injury or humiliation

3 Responsibilities of Schools

Policy and procedures

3.1 The Access and Inclusion Services expect schools and other educational settings to have accessible policies in relation to the use of reasonable force 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 use of reasonable force may be necessary. It is 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 Governing Body and made known to staff, pupils and parents either as part of the school's behaviour policy or separately.

3.2 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.

3.3 Safety is always a paramount concern and as such staff are not required or advised to use reasonable force if it is likely to put their own safety or the safety of others at risk.

3.4 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 with intent to injure another person). 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

3.5 What type of restrictive physical intervention can and cannot be used?

In accordance with the Human Rights Framework for Restraint (March, 2019) protective steps must be taken to ensure legality and prevent harm. The following are key procedural safeguards:

- i) All persons using restraint must be adequately trained.
- ii) Any anticipated use of restraint must be planned and regularly reviewed.
- iii) Use of restraint should be recorded in proportionate detail to enable the lawfulness of the restraint to be assessed.

Any use of restrictive physical intervention should be consistent with the principle of reasonable force. Rhondda Cynon Taf County Council has issued a set of guidelines for staff on how to use physical intervention in an emergency situation (Appendix 6). 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 adequate training. Access and Inclusion Services, through the Behaviour Support team, has a pool of teachers who have been trained using the Team Teach model. Team Teach is an accredited training provider and is registered with the Institute of Conflict Management. Schools are advised to seek training within the Team Teach model and within the RCT provided training model. Where they choose not to, they must ensure that any alternative training provider is accredited with the Institute of Conflict Management or British Institute of Learning Disabilities.

- 3.6** A school's policy on use of force should be consistent with but not necessarily part of its behaviour policy. The Welsh Government guidance on the promotion of positive behaviour and school behaviour policies can be found in the Inclusion and Pupil Support Guidance Document (203/2016)². It should also be consistent with the school's policies on child protection and health and safety

²https://gov.wales/sites/default/files/publications/2018-05/guidance-inclusion-and-pupil-support_0.pdf

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.

- 3.7** **Appendix 1** suggests a framework for a policy that schools may find helpful, including a list of subjects the policy could usefully cover.

3.8 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 that 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 such as the Restorative Approaches in Schools (RAIS) programme which provides training on managing conflict and also to support each other during and after an incident. Further guidance is provided in the Welsh Government's Inclusion and Pupil Support Guidance (203/2016)

- effectively managing individual incidents. It is important to communicate calmly with the pupil, using non-threatening verbal and non-verbal 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.
- Access and Inclusion Services' Behavior Support team are available to deliver De-escalation Training to schools regarding suitable strategies mentioned above.

3.9 Pupils with special educational needs (SEN)/additional learning needs (ALN) and/or disabilities

Schools should:

- Involve the ALNCo or other named member of staff and parents in developing the school's policy and practice on the use of force. This will help ensure that appropriate account is taken of the needs of individual pupils with SEN/ALN and/or disabilities including "vulnerable" 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. Further advice on risk assessments is provided in paragraphs 3.11 and 3.12, Appendix 3 (Positive Handling plan) and in RCT's guidance *Assessing and Managing Risks for Children Who Present Challenging Behaviours*³. Behaviour management plans set out the techniques that should be used and those that should not normally be used. For pupils with a statement of SEN / IDP any planned potential use of physical intervention should be compatible with a pupil's statement/IDP and properly documented in school records.
- As far as practically possible, staff who come into contact with such pupils need to be 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 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.

3.10 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 Disclosure Barring Service (DBS) status of all staff and volunteers, they may wish to align these two sets of records. Training/ training record? Team Teach/RCT BILD approved?

3.11 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.

³<https://www.rctcbc.gov.uk/EN/Resident/SchoolsandLearning/AccessandInclusionintoEducation/relateddocs/AssessingandManagingRisksChildrenWhoPresentChallengingBehaviours.pdf>

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 should 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.

3.12 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 (See Section 4). 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 the use of reasonable force to control or restrain pupils is necessary. The Authority offers such training using the Team Teach model.

3.13 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/ALN and/or disability is associated with extreme behaviour. An individual risk assessment is also essential for pupils whose SEN/ALN 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.

3.14 Situations where staff should not normally intervene without help

An authorised member of staff should not intervene in an incident without support / witness, 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

3.15 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.

3.16 The types of force used could include:

- passive physical contact resulting from standing between pupils;
- active physical contact such as:
 - leading a pupil by the hand or arm;
 - 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

3.17 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.

3.18 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.

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

4 Staff Training

4.1 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. However, individuals have statutory power to use force by virtue of their job. So a school 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 may lead to disciplinary action.

4.2 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 in accordance with the Human Rights Framework for Restraint (March, 2019)

4.3 As indicated below, there will be particular training needs for staff working closely with pupils with SEN/ALN and/or disabilities. Risk assessments (see paragraphs 3.12 and 3.13 above) 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.

4.4 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. Access and Inclusion Services, through the Behaviour Support team, provides opportunities for schools to access de-escalation training which does not include the use of restrictive physical intervention. This is particularly important for staff who work closely with pupils with SEN/ALN and/or disabilities associated with challenging behaviour. Schools should ensure that the training needs of these staff are identified.

5 Recording and Reporting Incidents

5.1 Schools are required to maintain systematic records of every significant incident in which force has been used, in accordance with RCT policy and procedures on the use of force and its 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. It is imperative that the head teacher is informed by the end of the day when a restraint has occurred. Whenever a member of staff uses a significant level of force, as set

out in a school's RPI policy, to hold or move pupils to control risk or prevent harm such incidents must be reported to the Local Authority within six days. That process is now to be carried out via the Professional Portal.

Parents should be informed of the use of RPI being used with their child. 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

Schools should have a member of staff and a representative of the governing body who are responsible for monitoring, analysing and responding to the use of restrictive physical intervention within their school. The local authority also monitors and analyses the use of reasonable force within RCT schools on a fortnightly basis and reports on data trends termly.

5.2 Schools may find the following questions helpful in deciding whether an incident is significant and requires a written record:

- 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, however simple guides and escorts would not warrant recording as minor acts of physical intervention may not breach the rights of a child as advocated in the Human Rights Framework for Restraint (March, 2019)
- 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?

5.3 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.

5.4 **The RPI Portal guidance** sets out the information that must be recorded.

5.5 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.

- 5.6** Differing accounts given of the same incident should all be recorded. It is not always advisable as a matter of course to give parents a copy of the incident record, but 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 (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.
- 5.7** The record will 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. All records will be maintained in accordance with GDPR requirements. Please refer to our privacy notice www.rctcbc.gov.uk/serviceprivacynotice and the Council's data protection pages here www.rctcbc.gov.uk/dataprotection for further information.
- 5.8** 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.
- 5.9** 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 General Data Protection Regulation (GDPR) 2018. 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.
- 5.10** All injuries should be recorded in accordance with school procedures.
- 5.11** Members of staff who have been assaulted may wish to consider reporting that to the police.

6 Supporting and reviewing

- 6.1** It is potentially 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. It is important to ensure that emotional support is available for staff and pupils. All those involved in the intervention should be offered an opportunity to talk about and record their feelings. Access and Inclusion Services expects that all those involved in the use of reasonable force, 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 might have been managed differently and therefore inform future risk assessments of such an event.

6.2 The follow up 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/ALN 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.

6.3 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 service (if the pupil is already under their supervision or has been identified by the YOS as being at risk of becoming engaged in criminal or anti-social behaviour);
- where a pupil is responsible, if appropriate, 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 Government's guidance on Exclusion from Schools and Pupil Referral Units, Guidance Document number:1255/2019⁴ and RCT guidance.
- 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:
 - physical consequences;
 - support to deal with any emotional stress or loss of confidence; and
 - opportunity to analyse, reflect and learn from the incident.

7 Monitoring

7.1 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 protected characteristics 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 use of physical intervention across different staff members (including those who are formally authorised/not authorised; and trained/not trained) 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 with the intention of reducing the need to use physical intervention.

7.2 Access and Inclusion Services maintain a database of all reported physical intervention in RCT schools. This database is monitored and analysed for developing trends and data is shared with schools on a termly basis.

8 Concerns and complaints

- 8.1 The use of restrictive physical intervention 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.

- 8.2 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.
⁴<https://gov.wales/sites/default/files/publications/2019-11/exclusion-from-schools-pupil-referral-units.pdf>

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.

- 8.3 School policies should make clear that the school would take seriously any concern, complaint or allegation, whether expressed verbally or in writing. They should also make clear that the school would 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.

Complaints should be dealt with in line with the school's complaints policy and procedure.

- 8.4 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.

- 8.5 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 RCT's Policy and Procedures for Safeguarding.

- 8.6 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 staff disciplinary procedure.

9 Physical contact with pupils in other circumstances

- 9.1** 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/ALN 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.
- 9.2** 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 that 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.

School Policies - Suggested Framework

Situations involving decisions about whether to use force can occur in any school. Both using force and deciding not to can entail significant risks for pupils and staff. Establishing a clear school policy on the use of force by staff is an important part of minimising these risks.

Each school needs to develop a policy tailored to its particular circumstances. It is good practice to do this in consultation with governors, staff, parents and pupils. Schools may find the framework below helpful in developing or reviewing their own policies.

School Policy on the Use of Force by Staff to Control or Restrain Pupils Objectives

These should include statements about:

- The key objective of maintaining the safety of pupils and staff;
- Preventing serious breaches of school discipline;
- Preventing serious damage to property; and
- The need to preserve children and young people's rights.

Minimising the need to use force

This section should include material about:

- Creating a calm environment that minimises the risk of incidents that might require using force arising;
- Using social and emotional well-being approaches to teach pupils how to manage conflict and strong feelings;
- De-escalating incidents if they do arise;
- Only using force when the risks involved in doing so are outweighed by the risks involved in not using force; and
- Risk assessments and positive handling plans for individual pupils.

Staff authorised to use force

This section should deal with both permanent and temporary authorisation.

- On permanent authorisation, it 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 and identify which categories of staff this covers.
- On temporary authorisation, it should explain: 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; and how teachers and other staff with permanent authorisation will know who has temporary authorisation.

Deciding whether to use force

- This section should set out guidelines to help staff decide whether or not to use force in particular circumstances. For example, it should suggest that staff should only use force when:
 - The potential consequences of not intervening were sufficiently serious to justify considering use of force;

- The chances of achieving the desired result by other means were low; and
- The risk associated with not using force outweighed those of using force.
- This section should also make clear:
 - How staff (including people with temporary authorisation to have charge or control of pupils) will be kept informed about and advised how to deal with pupils who present particular risks to themselves or others (as a result of SEN/ALN and/or disabilities and/or other personal circumstances, such as domestic violence); and
 - How staff should minimise the highest risks, for example by calling the police if a pupil suspected of having a weapon seems likely to resist a search.

Using force

- This section should emphasise the importance of only using the minimum force necessary to achieve the desired result.
- The section should also:
 - Advise giving a clear oral warning to the pupil that force may have to be used;
 - Suggest types of force that could be used, making it clear that any form of restraint that is likely to injure a pupil (particularly anything that should constrict breathing) should only be used in extreme emergencies and where there was no viable alternative; and
 - Advise staff that, as far as possible, they should not use force unless or until another responsible adult is present to support, observe and call for assistance.

Staff training

- This section should deal with:
 - How decisions about training are made; and
 - How certified training is provided.

Recording incidents

- This section should set out the school's arrangements for deciding which incidents to record and how to record them.
- Schools may wish to use their own version of the portal serious incident recording form

Reporting incidents

- This section should set out the school's arrangements for reporting recordable incidents to parents.
- It should also deal with reporting to external agencies such as other local authority children's services, the local Children's Safeguarding Board, the Health and Safety Executive, youth offending teams and the police.

Post-incident support

- This section should set out arrangements for supporting staff and pupils involved in incidents, including meeting immediate physical needs and rebuilding relationships, and ensuring that lessons are learned from the incident.

Complaints and allegations

- This section should set out the school's arrangements for dealing with complaints and allegations of misconduct arising from incidents.

Monitoring and review

- This section should set out the school's arrangements for monitoring the impact of its policy on use of force and for reviewing and developing the policy, including the roles of senior leaders and governors.

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 protect characteristics 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.

2.4 When can restrictive physical intervention 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.

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.

2.5 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, BILD accredited trained in the use of restrictive physical intervention. However, in an emergency, any of the following may be able to use reasonable force:

1. any teacher who works at the school,
and
2. any other person whom the head teacher 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.

2.6 Planning around an individual and risk assessment

In an emergency, staff do their best, using reasonable force within their duty of care. 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. (Further guidance is available for schools in the *Assessing and Managing Risks: Learners who present challenging behaviours*). We consider staff and children's physical and emotional health when we make these plans and consult with the child's parents/guardians. In most situations, our use of restrictive physical intervention is in the context of a prior risk assessment that considers:

- What the risks are
- Who is at risk and how

- 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 communicate or achieve 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 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), staff from our school who work with the child, and any visiting support staff (such as Educational Psychologists, Behaviour Support Teachers)
- Colleagues from health services or local authority.
- We record the outcome from these planning meetings and seek signed parental agreement of our planned approach. We review these plans at least once every 4 to 6 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.

2.7 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
- Slapping, punching or kicking a child
- Twisting or forcing limbs against a joint
- Tripping a child
- Holding a child by the hair or ear

Such actions would normally be considered inappropriate. We do not plan for and do not allow, except in emergency situations, staff to use seclusion. Seclusion is where a young person is forced to spend time alone in a confined space against their will. We may, however, use withdrawal in a planned way. Withdrawal is defined as follows:

Withdrawal involves taking a young person, with their agreement, away from a situation that has caused anxiety or distress, to a place where they can be observed continuously and supported until they are ready to resume their usual activities.

This is different to **Time-out** where a response to a young person's inappropriate behaviour includes a specific period of time with no positive reinforcement as part of an overall intervention plan.

2.8 Recording and reporting

We record any significant use of restrictive physical intervention. We do this as soon as possible and in any event within 24 hours of the incident. The incident must be recorded by the school and will form part of the pupil's records. An electronic incident form will be submitted to the local authority via the Portal within six days. The 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 / carers. After using restrictive physical intervention, we ensure that the headteacher is informed as soon as possible. We also inform each parent / carer.

2.9 Supporting and reviewing

We recognise that it can be 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 this. 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 post-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.

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.

2.10 Monitoring

We monitor the use of restrictive physical intervention in our school. *****and ***** 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.

2.11 Concerns and complaints

The use of restrictive physical intervention 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 head teacher is immediately informed. We would also follow our child protection procedures. In the absence of the head teacher, in relation to restrictive physical intervention, we ensure that the deputy head teacher is informed.

If the concern, complaint or allegation concerns the head teacher, we ensure that the Chair of Governors is informed. 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. The results and procedures used in dealing with complaints are monitored by the governing body.

2.12 Reviewing this policy

We adopted this policy on*****. It is next due for review by ****. this would depend on the individual setting, but it is recommended that this should be at least every 2 years.

Positive Handling Plans

Appendix 3 (a): Child Friendly for use in Primary Schools but can be adapted for all age groups in a Person Centred Approach

I am good at...

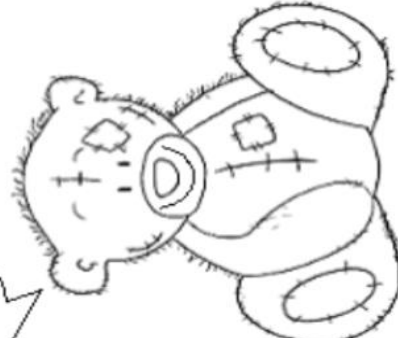
When I (play safely)
I will have as a reward...

Things I like to do in school...

When I do not (play safely)
As a consequence

1. I will have a warning
2. I will not earn reward etc

My Positive
Handling
Plan!



My favourite interests and hobbies
are...

When I (feel angry)
I will.

1. (Tell a teacher)
2. (Go to my safe place) etc

Teachers will..

1. (Speak to me calmly)
2. (Let me to leave the room)
3. (If necessary hold me to keep me safe using T-wrap) etc

Things I find difficult in school...

Agreed on:

Signed by

..... (pupil)

..... (parent)

..... (staff member)

To prevent problems my teachers
will...

- Remind me of my safety plan
- Remind me of choices/consequences etc

Appendix 3 (b)



Positive Handling Plan

The purpose of this form is to make record the agreed positive handling of your child. This may result in support and guidance in the form of advice to school or a visit by Access & Inclusion staff. If appropriate, this process may involve sharing sensitive information about your child with external specialists e.g. health professionals.

How we use your personal information

The information on this form (and any additional information attached) will be used by the Access & Inclusion Service to discuss your child and their additional learning needs in line with the Council's legal duty under Section 321 of the Education Act 1996.

To learn about how your privacy is protected and how and why we use your personal information to provide you with services, please visit our service privacy notice here www.rctcbc.gov.uk/serviceprivacynotice and the Councils data protection pages here www.rctcbc.gov.uk/dataprotection.

Name of child:		Plan number:	
-----------------------	--	---------------------	--

Positives: <i>What is the pupil good at and what do they like doing?</i>	Triggers: <i>What situations have led to problems in the past?</i>	Successful approaches: <i>What proactive interventions have been effective in preventing the pupil's anxiety rising?</i>
1		
2		
3		
4		
5		

Describe any modifications to the environment or pupil routines that can be implemented to prevent anxieties rising?

1
2
3

De-escalation/describe any strategies that have worked in the past or should be avoided:

Strategy	Description of impact	Try	Avoid
----------	-----------------------	-----	-------

Verbal advice and support			
Firm clear directions			
Negotiation			
Limited choices			
Distraction			
Diversion			
Reassurance			
Planned ignoring			
Reassuring touch			
Talk calmly			
Time out			
Withdrawal offered			
Withdrawal directed			
Change of adult involved			
Reminders of consequences			
Humour			
Success reminders			
Others			

From your risk assessment, what is the likelihood of a child harming himself/herself, another child or adult in the event of an incident? Is it:

	Himself/Herself	Another child	Adult
Improbable			
Possible			
Probable			

Please indicate whether this behaviour is likely to be directed towards a pupil or member of staff:

Type of incident	Towards other pupils	Towards member of staff
------------------	----------------------	-------------------------

Verbal abuse		
Severe disruption of lesson		
Slapping		
Pinching		
Biting		
Punching		
Spitting		
Hair grabbing		
Neck grabbing		
Clothing grabbing		
Arm grabbing		
Body holds		
Weapons/missiles being thrown		

Preferred strategy for dealing with above incidents (1-De-escalation strategies on previous sheet; 2-Summoning assistance; 3-Summoning external assistance (police); 4- Double elbow (2 person); 5-Single elbow (2 person); 6-Single elbow (2 person) – to seating; 7-Figure of four (2 person); 8-Wrap; 9-Wrap to seating; 10-Wrap to floor)

Type of incident	Approach									
	1	2	3	4	5	6	7	8	9	10
Verbal abuse										
Severe disruption of lesson										
Carrying/using smoking materials										
Carrying/using mobile phone										
Slapping										
Pinching										
Biting										
Punching										
Spitting										
Hair grabbing										
Neck grabbing										
Clothing grabbing										
Arm grabbing										
Body holds										
Weapons/missiles being thrown										
Self harm										
Other strategies to be deployed										

Notification:						
The following professionals have been made aware of the plan	Social Worker	BSS	GP/ CAMHS	EPS	Child Protection Officer	Other
Name:						
Date of notification:						
Name of Person completing this plan:						

Parent / guardian

I am aware and understand that my child has a positive handling plan to enable them to be safely supported by the school if it is required.

Parent / guardian name:

Parent / guardian signature:

Date:

Additional notes:

Headteacher

- I confirm that the information contained in this form (and any additional information attached) is accurate.
- I have made the parent/guardian aware of:
 - how the personal data will be used to identify additional support if appropriate.
 - how they can access their information rights and further information via the Data Protection pages of the Council's website.

Physical Intervention of Pupils at School

Reminder to staff of **DOs and DON'Ts**

DO

- Know the procedures within the school's guidelines for the use of physical intervention. A copy of these is available from_____.
- Discuss the procedures with a senior member of staff if you are unsure of any point.
- Send for adult help early if things begin to get out of hand and physical intervention seems likely.
- Assess the situation calmly before acting.
- Use minimum restraint for minimum time.
- Report the incident to the Headteacher or senior member of staff as soon as possible and complete a report.

DO NOT

- Place yourself at risk by attempting to intervene physically with a pupil who is obviously carrying a weapon.
- Attempt to restrain a pupil when you have lost your temper.
- Use excessive force.
- Place yourself at risk of false allegation, i.e. avoid being alone with a pupil if possible.

Exemplar

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) that 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)

- 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 an 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 might 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 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.

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 you 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. Staff should inform the head

teacher as soon as possible after an incident of restrictive physical intervention; parents/carers should also be informed. A record of the physical intervention 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.