



Metropolitan
Borough of Wirral

SAFE HANDLING

**“GUIDELINES FOR SCHOOLS ON CONTEXTS
WITHIN WHICH A RANGE OF
RESTRICTIVE PHYSICAL INTERVENTIONS
MAY BE CONSIDERED WITHIN
BEHAVIOUR MANAGEMENT STRATEGIES”**

SEPTEMBER 2005



2002-2003
Community Legal Services
2003-2004
Transforming Secondary Education
Child & Adolescent Mental Health Services

Education and Cultural

Services Department

CONTENTS

FOREWORD	3
Section 1: INTRODUCTION	5
Section 2: SAFE HANDLING IN PHYSICAL INTERVENTION	7
2.1 Context.....	7
2.2 Prevention.....	7
2.3 When Physical Intervention may be used.....	8
2.4 Principles for the use of Restrictive Physical Intervention.....	9
2.5 Risk Assessment.....	10
2.6 Planned Interventions.....	11
2.7 Lawful Forms of Physical Intervention.....	12
2.8 Unreasonable Levels of Physical Force.....	13
Section 3: TOUCHING AND HOLDING CHILDREN	15
Section 4: DEVELOPING YOUR SCHOOL POLICY	17
Section 5: RECORDING AND REPORTING	21
5.1 Witness Statements.....	21
5.2 Informing Parents and Carers.....	23
5.3 Informing the Governing Body and the Local Education Authority.....	23
Section 6: ALLEGATIONS AGAINST STAFF	25
6.1 Introduction.....	25
6.2 Context.....	25
6.3 Guidance.....	26
6.3.1 Allegations against Staff.....	26
6.3.2 Allegations against a Headteacher.....	26
Section 7: HANDLING COMPLAINTS	27
Section 8: TRAINING	29
8.1 Induction.....	30
8.2 Advice and support from local Special Schools.....	30
Section 9: APPENDICES	31
9.1 Appendix 1: Accessing Training	31
9.2 Appendix 2: Selected Formats for an Incident Report Form	34
9.3 Appendix 3: A Suggested Checklist for Staff	43
9.4 Appendix 4: DfES Guidance	45
9.4.1 The use of Restrictive Physical Intervention on Pupils.....	45
9.5 Appendix 5: Department of Health	47
9.6 Appendix 6: Assessing and Managing Risks for Pupils who present Challenging Behaviour	49
9.7 Appendix 7: Reference to Supporting Documentation	51
9.8 Appendix 8: The Legal Framework	52
9.8.1 General.....	52
9.8.2 Negligence and the Duty of Care.....	52
9.8.3 Health and Safety at Work.....	53

9.8.4	Civil Law governing the use of Physical Force.....	53
9.8.5	Criminal Law governing the use of Physical Law.....	54
9.8.6	The Human Rights Act 1988.....	55
9.9	Appendix 9: A Framework for writing a School Policy on Restrictive Physical Interventions.....	57
9.10	Appendix 10: Proforma for assessing and managing foreseeable risks for children who present Challenging Behaviours.....	63
9.11	Appendix 11: References.....	67

FOREWORD

This document, embodying principles to guide practice, is presented to mainstream and special schools and settings. Two specific DfES guidance documents have provided the main sources of information. The first, published in 2002, gave guidance on the use of restrictive physical intervention for staff working with children and adults who display extreme behaviour in association with learning disability and/or autistic spectrum disorder. The second, published in 2003, relates to the first. However its title is a little more general, referring to providing guidance on the use of restrictive physical intervention for pupils with severe behavioural difficulties. It refers to policy guidelines for LEAs, special schools and risk assessment.

LEAs are asked to bring the principles to the attention of mainstream schools.

Specific reference is made to behaviour which is linked to a learning disability or a medical condition. General reference is also made to Section 550A of the Education Act 1996 which recognises that, in certain specific circumstances, necessary reasonable force can be used by teachers, and others authorised by the headteacher, "to control or restrain pupils".

The fact that mainstream schools, as well as special schools, include pupils with severe behavioural difficulties within their organisation is not directly addressed by either of these documents. However, by drawing these principles to the attention of mainstream schools, the DfES, and therefore the LEA, is providing the same set of principles to be applied by all schools and settings.

All who work in schools have the right to know that every effort will be made to ensure that they are safe and protected from harm. There will be occasions when staff need to use a degree of force for the pupil's own good and for the good of others.

"Restrictive physical intervention" refers to the need to use an appropriate degree of reasonable force on a pupil, in specific circumstances, when other strategies to manage the behaviour are judged to have failed or be inappropriate. It should be used as a last resort, but it is important that when this does become necessary, staff handle children safely and with a clear understanding of the purpose of their actions.

DfES Circular 10/98, describing Section 550A of the Education act 1996 makes it clear that the expression "reasonable force" has no legal definition, and so its use will depend on all the circumstances of the case. There are two relevant considerations (paragraph 17):

- (1) "The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.

- (2) The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.”

The degree of force that could reasonably be employed might also depend on the age, understanding and sex of the pupil.

In every case, staff need to be clear about their responsibility to assess the situation and act in a professional manner. They need assurance that if they follow the correct procedure their actions will stand close scrutiny.

Parents and carers must also feel confident that their children are attending schools with sound policies of which they are aware for behaviour, child protection, health and safety and that restrictive physical interventions, if necessary, will be carried out properly.

The main purpose of these guidelines is to set out the sequence of considerations which must take place immediately before, during and after such an incident.

Deleted: res

The principles which follow should therefore form the core of school practice and every school should develop its own policy in relation to its particular setting and pupil needs.

This document is issued following extensive consultation with and full approval of teaching and non-teaching professional associations and trades unions; also with agreement of Wirral Area Child Protection Committee and elected members.

Howard Cooper
Director of Education & Cultural Services

Section 2: INTRODUCTION

The council has a duty to ensure the health, safety and welfare of its employees and others who may be affected by its work. All employees have a duty to care for the health and safety of themselves and others who may be affected by their acts or omissions. In addition, teachers are expected to exercise the same standard of care as would be given by a reasonably careful and responsible parent.

Good, constructive, supportive relationships with and between pupils, and between staff and pupils, underpin an atmosphere conducive to the best possible learning and development, both individually and collectively. Each school will have a policy and associated practice regarding behaviour which will support such achievements.

For most pupils, most of the time, cooperation with these expectations will be normal, encouraged by a range of rewards and sanctions. The need to use force will be rare and is to be avoided whenever possible. However;

“There are occasions when the use of force is appropriate. When force is necessary, it must be used in ways that maintain the safety and dignity of all concerned.” (Underpinning principles in DfES and Department of Health guidance LEA/0242/2002 issued in July 2002 to LEAs in England, Health and Social Services in England, and Special Schools).

Schools owe a duty of care to their pupils, just as employers do to employees, and employees to themselves and those around them. A major factor in this duty of care is the requirement that measures are taken to prevent harm.

In the context of the CHILDREN ACT 1989, we recognise that every person has the right to be protected from harm and, from any form of physical intervention which is unnecessary, inappropriate (either to the pupil or in the prevailing circumstances), excessive or unlawful.

This document is about supporting teachers and other authorised staff in the use of Restrictive Physical Interventions. In that respect, it is important to make clear at this stage that, whenever an actual injury occurs in the course of or connected with the use of the intervention, it should be reported to the member of staff with responsibility for child protection who should report the incident to the LEA child protection officer. Staff concerned should detail fully and carefully what actually happened, in what circumstances, who was there, what led to the incident, what the attitudes were of significance, informed by demeanour, language, looks, what actual words and holds were used, how continuing attempts to calm the situation were made and what resulted. The school's own investigation procedures, whenever an injury needs to be reported, should then be suspended until the joint strategy group has considered the actual evidence provided as just described. (See also Paragraph 6.1)

Staffs need to be aware that their employment imposes on them a duty of care in order to maintain an acceptable level of safety. Intervening to do so may range from a look, a particular tone of voice, to a command, or a gentle but firm guiding hand, to standing between pupils. Since the conduct of young people can on occasions become dangerous, the use of physical intervention techniques appropriate to the incident should be used by trained staff. Such intervention should be part of an agreed and written strategy, planned

by the school for specific pupils (usually a statemented pupil) or to enable reaction to an unforeseen incident.

Since written guidelines cannot anticipate every situation the professional judgement of staff at all times therefore remains crucial.

Staff should therefore not hesitate to act in an emergency - providing they adhere to the principles. Indeed, staffs have a legal obligation to safeguard the welfare of children in their care. Careful yet confident responses to expected or unexpected challenging pupil behaviour will be based on a clear knowledge of school policy and procedures supported by appropriate training. Subsequent questions about the action may occur. The ability to answer them with care and confidence will arise from a proper use of approved actions and procedures.

Staff will be deemed to have acted reasonably and will therefore receive management support if these guidelines are followed.

NUT guidance in "Education, the Law and you" (2003) is helpful in expanding on this. Paragraphs 6.2 and 6.6 from Section 6: "Physical Restraint of Pupils", say:

"6.2. The law is protective. It does not require teachers to change their practice if they choose not to. If, however, their judgement leads them to using physical restraint in the way envisaged by legislation, the law protects them from allegations of abuse.

6.6. Although the act does not address the point, it is also relevant that failure to take action in circumstances which merit it can be as serious as overreacting. In many circumstances, it is not a safer option for a teacher to do nothing or to take very limited action, when to take action could restore safety. This action may involve swiftly alerting a third party. So far as a teacher's duty of care is concerned, an omission can be significant if there were to be a subsequent claim for negligence. Again, the circumstances of the case are the deciding factor and a teacher would not be expected to intervene to restore safety, at all costs, to his or her personal safety."

The policy and advice set out in this document provide a framework within which staff judgements should be made and specific incidents addressed. The intention is to ensure that schools and other educational settings should provide a safe working environment for young people, staff and visitors.

Review of Document

These guidelines will be reviewed by the LEA twice at 6 monthly intervals after issue to schools and annually thereafter.

Degrees of training will need to be accessed by schools so that they can match policy and practice. It will be important for schools to describe the reasons for physical interventions by staff which are of a supportive and guiding nature. They will then need to make further decisions about the need for the use of training in physical interventions which are restrictive in nature.

Section 2: SAFE HANDLING IN RESTRICTIVE PHYSICAL INTERVENTION

Deleted: PHYSICAL
RESTRAINT

2.1 CONTEXT

Before considering the use of force, a school's policy should outline strategies for preventing the occurrence of behaviours which precipitate the use of physical intervention. (See the next heading on Prevention.) It will also outline aversion strategies of defusion and de-escalation, post incident support and debriefing for staff, children, service users and their families, and the concept of "reasonableness" in "reasonable force".

It should be clear about the approach to risk assessment and management.

The distinction should be clear between planned interventions and emergency interventions.

It should identify who will be responsible for first aid implementation in the event of consequent injury or physical distress, and the procedures to be employed should be included.

Policies will also need to recognise situations if and where breakaway strategies, involving the minimal use of pain, may be sanctioned.

2.2 PREVENTION

Adoption of the following strategies will help to minimise the use of restrictive physical interventions:

Primary (first use) prevention strategies:

- The needs of the pupils should be matched by the number of staff deployed, their levels of competence and the degree of risk of the need or physical intervention. Staff should not be left in vulnerable positions.
- Helping pupils to avoid trigger situations for violence or aggression e.g. where there is little option for individual activity.
- Having individual education plans, including behaviour, in place which highlight individual need.
- Providing opportunities for activities offering choice, relevance and a sense of achievement.
- Developing staff expertise in working with behaviourally challenging individuals and groups.
- Engaging pupils, those with parental responsibility, and other advocates in planning ways for the pupil to be managed when they pose a significant risk to themselves or others.

Secondary prevention (subsequent or supporting) strategies:

- Recognising the early stages of a behavioural sequence, and employing planned defusion and de-escalation techniques. If the situation, or previous documented

evidence, indicates rapid escalation to violence, early use of restrictive physical intervention may be justified if:

- primary prevention has not been effective and
- the risks of not using restrictive physical intervention outweigh the risks of using it and
- other methods, not requiring force, have been tried without success.

2.3 WHEN RESTRICTIVE PHYSICAL INTERVENTION MAY BE USED

Restrictive physical intervention is a form of control which staff are authorised to employ when all other alternatives have failed and staff believe it is their duty of care to intervene and/or where the urgency of the situation does not allow for other methods to be employed. Its use may also be specifically embodied in an individual pupil's risk assessed support plan. Behaviours necessitating the use of physical intervention will have been risk assessed. The techniques will have been agreed by the school with the pupil, (where he/she is able), his/her parents (or those with parental responsibility) and where appropriate, other relevant statutory agencies working with the pupil.

Deleted: Physical restraint

Such interventions may also be used in unforeseen or emergency situations, when there is no option but to use reasonable force to manage the situation. Where staff have attempted to use diversion or defusion to manage the situation without success, they may use force employing techniques and methods with which they are familiar, confident and are permitted by the school. However, in exceptional circumstances, where permitted techniques are ineffective or staff are unfamiliar with the action they should take, they may manage the situation as best they can to comply with Section 550A of the Education Act 1996. (See Appendix 3, DfES guidance)

The section allows teachers, and other persons who are authorised by the Headteacher to have control or charge of pupils (see paragraph below), to use such force as is reasonable in all the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility);
- injuring themselves or others;
- causing damage to property (including the pupil's own property);
- engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

The provision applies when a teacher, or other authorised person, is on the school premises, and when he or she has lawful control or charge of the pupil concerned elsewhere e.g. on a field trip or other authorised out of school activity.

Authorised Staff

The 1996 Education Act Section 550A allows all teachers at a school to use reasonable force to control in the above circumstances. It also allows other people to do so, in the

same way as teachers, **provided they have been authorised by the Headteacher to have control or charge of pupils**. Those might include classroom assistants, care workers, midday supervisors, specialist support assistants, education welfare officers, escorts, caretakers, by virtue of their employment in the school setting and job description which will, where appropriate, specify such authorisation. It might also include voluntary helpers including people accompanying pupils on visits, exchanges or holidays organised by the school. These authorised support staff should be specifically identified by the head who describes the length of the authorisation, and what it entails, including the provision of training.

2.4 PRINCIPLES FOR THE USE OF RESTRICTIVE PHYSICAL INTERVENTION

The principles underlying the use of physical intervention are:

- all strategies avoiding the need for restrictive physical intervention should have been taken, or considered in the immediate context. The use of physical force with a young person must be considered as a last resort attempt to cope with the particular situation.
- the level and duration of the force will always be the minimum necessary to restore safety.

Staff need to know the difference between normal physical contact (to encourage, guide or comfort), and restrictive physical interventions aimed at restricting movement or disengaging from a particular behaviour.

Safe handling techniques must:

- form part of a clearly agreed and understood policy
- accord with the criteria set out below in Lawful Forms of Physical Restraint
- have been the subject of training of the staff involved, including recording in a standard format which describes antecedents, behaviour and consequent actions.

The NAS/UWT offers the following description in support: (taken from “NAS/UWT Negotiating Secretaries Advice and Guidance on the use of Reasonable Force and Restraint. Published 1998.)

“The policy will need to clarify the areas of reasonable force and restraint where there is uncertainty among staff. These areas can be identified as:
physical contact; physical control; physical restraint and the restriction of liberty.

Physical contact

The policy should recognise that there are situations in which proper physical contact occurs in school settings between teaching/instructing/support staff and pupils, e.g. in the care of pupils with learning, physical or sensory disabilities; instruction in games or physical education; and to comfort in extreme circumstances. However, staff should be advised to ensure that any physical contact they use is not capable of misinterpretation.

Physical control

This is different from restraint and may be used to divert a pupil from a destructive or disruptive action. It involves guiding or leading a pupil by the hand, arm or shoulder with little or no force.

Physical restraint

This is the use of reasonable force as a last resort. It should only be considered when there is an immediate risk to the pupil, to other pupils, another member of staff, or serious damage to property. It should be the minimum force necessary for the shortest possible time applied in accordance with the LEA/school policy. Staff should make every effort to obtain help from another member of staff who can also act as a witness. Where behaviour strategies have failed and reasonable force is the last resort the teacher must always explain to the pupil what they are going to do and that the restraint will cease when the pupil complies with the instruction.*

Restriction of liberty

This may be used when a pupil is determined to leave the premises in circumstances or for the purposes, which may place them in danger. A teacher could be reasonably expected to challenge this verbally but the use of physical restraint will probably be inappropriate if it is likely to be resisted. Its use may increase the chances of injury to the pupil and/or teacher. Thought should be given to allowing the pupil to leave and then alerting others: parents, police, etc. that the pupil has left school. There will be cases when leaving the premises will place the pupil in immediate danger of serious harm, or the pupil may not be capable of understanding danger. In such exceptional circumstances physical restraint will need to be used but it should follow the rule of the use of reasonable force for the shortest period of time.”

* For example, the pupil demonstrates a calm and changed behaviour which means that the restraint is no longer necessary.

Knowledge and confidence in making the above decisions and putting them into effect need to come from appropriate training and knowledge of the pupil.

The principles and handling techniques need to be approved by each school's governing body which delegates the responsibility to Headteacher, documented and made available to all who will need it. They should be risk assessed for the risks to all individuals who will be involved in their use. All concerned (staff, pupil, parents/carers, relevant professionals) need to be aware of and not disagreeing with the plan. Any disputes over proposed techniques and methods should be referred to the LEA or an independent officer nominated by the ACPC.

2.5 RISK ASSESSMENT

Any physical intervention involves a degree of risk: the assessment of the level of risk is a calculation that must be made before deciding to intervene. Risks may relate to health care, social support arrangements, interactions between the child and his/her environment, the direct impact of behaviour(s) presented by the child, and the measure themselves employed to manage the risk. (LEA/0264/2003 paragraph 4.2).

Being proactive about the assessment of risk is essential. Challenging behaviours are often foreseeable, though difficult to predict in degree of challenge or timing. Exploring why certain pupils behave in particular ways, what the trigger points or situations are, can help to reduce risk.

But they can also help inform the necessary discussion with all concerned as to how to intervene, and what intervention strategies are likely to be effective. Individual education or behaviour plans should then incorporate this planning.

Such planning will increase confidence about acting in given situations. However, the school's policy will also need to address advice for staff who find themselves in unforeseen or emergency situations. **(see Appendix 4.)**

The restrictive physical intervention used with a child or young person should calm the situation and not lead to greater injury or an escalation of violence. Where possible the following factors need to be taken into account in evaluating the risks involved and in determining the techniques to be employed on any particular situation:

- The staff member's capacity to act calmly and systematically
- The location of the incident and the potential for the intervention to be carried out safely
- Knowledge of the child/young person's behaviour triggers, planned techniques for that pupil, previous experience of restrictive physical intervention and predicted reactions.
- The presence of any weapons
- A situation is about to exist in which people or property will be in serious danger of injury or damage.
- The age, and respective physiques and known medication and medical conditions of both the staff member and the child/young person
- The respective genders of staff and child/young person
- The presence/availability of a second (or other adult), available to assist, supervise and become involved in intervention
- The scope to secure the presence of a second or further adults.
- Spectacles, hearing aids, jewellery and clothing being worn by the child/young person/member of staff.

Deleted: their

Staff working in situations where there is a reasonable likelihood that they may have to employ techniques of physical restraint should consider whether their clothing, jewellery and hairstyle add to the danger of injury to themselves or others.

2.6 PLANNED INTERVENTIONS

It is helpful to distinguish between *planned intervention*, in which staff employ pre-arranged strategies and methods, and *emergency or unplanned* use of force. Planned physical interventions should be:

- agreed in advance by a multidisciplinary team working in consultation with the service user, his or her carers and, in the case of a child, those with parental responsibility. The behaviours which might lead to the use of restrictive physical intervention should be risk assessed for each pupil, and recorded in his/her individual plan.
- implemented under the supervision of an identified member of staff who has relevant qualifications and experience
- recorded in writing so that the method of physical intervention and the circumstances when it is sanctioned for use are clearly understood
- included as part of the care plan or individual service plan.

Where planned physical interventions are employed, they should be one component of a broader approach.

UNFORESEEN SITUATIONS

If faced with an unforeseen or emergency situation, try diversion and defusion techniques initially. If these are unsuccessful, use normal and known restrictive techniques, from training. Exceptionally, manage as best as possible, complying with Section 550A of the Education Act 1996, using minimum necessary force for the least time required. Record and report fully.

2.7 LAWFUL FORMS OF PHYSICAL INTERVENTION

It is extremely difficult to define what a court would consider to be an acceptable use of physical force. There is an expectation in law that the force used in restraining a child/young person should be both 'reasonable' and 'appropriate'.

Reasonable Force

There is no legal definition of 'reasonable force'. So it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.

There are two relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.
- The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result. Whether it is reasonable force, and the degree of force that could reasonably be employed, might also depend on the age, understanding, and sex of the pupil.

Deleted: is it

In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of “reasonable force”: for example, to prevent a young pupil running off a pavement on to a busy road, or to prevent a pupil from hitting someone, or throwing something. (Circular 10/98 paragraph 22).

Lawful methods of physical intervention will probably include:

- Physically interposing between pupils;
- Blocking a pupil’s path;
- any holding tactic which restrains a child / young person without injury until he/she calms down;
- leading a pupil by the hand or arm;
- shepherding a pupil away by placing a hand in the centre of the back;
- physical contact with a pupil designed to control the child / young person’s movements which pose a danger (e.g. holding of arms or legs to prevent or restrict striking or kicking);
- the use of minimum physical force - without deliberately causing injury.

During any incident using restrictive physical intervention, adults must seek as far as possible to:

- lower the child or young person’s level of anger or distress by continually offering verbal re-assurance and avoiding generating fear of injury in the child or young person;
- cause the minimum level of restriction of movement of limbs consistent with the danger of injury (e.g. will not restrict the movement of the child or young person’s legs when they are on the ground unless flailing legs are likely to be injured or cause injury);
- take account of the danger of accidental injury by using a method appropriate for the environment in which it is taking place;
- work together as a team, with one member taking the lead, in situations where a group of staff is involved;
- not employ another child/young person in assisting.

Deleted: ¶
During any incident of restraint adults must seek as far as possible to:

2.8 UNREASONABLE LEVELS OF PHYSICAL FORCE

Only a court can judge, and does so retrospectively, if a reasonable level of physical force was used to control a child/young person. The following actions are likely to be deemed unreasonable because they might cause injury:

Holding a pupil around the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe;

Tripping up a pupil;

- striking a pupil;
- exerting excessive pressure on any part of a child / young person's body;
- forcing a child / young person's arm up his/her back;
- squeezing a child / young person's neck or windpipe;
- shaking a child / young person;
- tying up or binding a child / young person;
- lifting a child / young person off the floor in order to intimidate;
- holding a child's / young person's face down on the ground;
- pulling a child's / young person's hair or ear;
- jabbing a child / young person with a finger.

This list is not exhaustive, nor does it cover all possible circumstances which could arise. The omission of a particular kind of conduct from this list does not mean that it would be deemed as reasonable. For instance, much will depend on a child / young person's age, size, race, culture, disability or demeanour. There may also be particular difficulties when a member of staff of the opposite sex uses restrictive physical intervention on a child / young person; and much will depend on the circumstances and background. Staff should always avoid touching or holding a pupil in a way that might be considered indecent.

ACTION IN SELF DEFENCE OR IN AN EMERGENCY.

Everyone has the right to defend themselves against attack provided that they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example if a pupil was at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene. The purpose of Section 550A of the Education Act 1996 is to make it clear that teachers and other authorised staff are entitled to intervene in other, less extreme, situations.

Section 3: TOUCHING AND HOLDING CHILDREN

All staff should be aware of the distinction between physical contact or touch, used appropriately in everyday situations to support, encourage, guide or comfort a pupil, and the use of force to restrict movement or to disengage from pupils whose behaviour presents a clear risk of injury. (LEA/0264/2003 – paragraph 3.5)

Therefore staff need to be clear as to their purpose in making physical contact with a pupil. Some children may find being touched uncomfortable or distressing for a variety of reasons. It is important for staff to be sensitive to a child's reaction to physical contact, and to act appropriately. Even perfectly innocent actions can sometimes be misconstrued. Physical contact should not become habitual, attributable to teaching style or as a way of relating to pupils.

It will, of course, from time to time, be necessary for staff to offer comforting words or gestures, or supporting actions to individual pupils, appropriate in the circumstances, and to the age, maturity and culture of the pupil.

Staff should also be careful to ensure that they are not alone with a pupil, or, if such is necessary, to ensure that another colleague is clearly aware of where they are, or that they can be seen, always avoiding any risk to necessary personal privacy or dignity.

The following guiding principles are suggested:

- the level and type of physical contact should reflect the educational and social needs of the pupil e.g. physical contact is likely to occur in some PE and drama activities as well as for children with disabilities who may require personal assistance and should be appropriate to the age and level of maturity of the child.
- physical contact ~~should not become habitual. Specific consideration should be given to the needs of pupils in school who may have suffered abuse and/or neglect and planned into any programmes to be implemented as well as for children who require a personal assistance programme;~~
- although a pupil indicating a wish to a member of staff for physical comfort should not be responded to automatically, he or she should not be rejected without explanation;
- in all circumstances staff must be aware of their physical proximity to the pupil and their overt body language.

Deleted: should not respond or lead to expectations or anxieties of any form - i.e. it

(For greater detail through a range of related headings, staff should refer to Wirral Education Department, Child Protection Procedures, Chapter 5.)

Although a pupil – particularly a young one, or a child or young person with special educational needs may frequently be held for a number of reasons not directly concerned with control, there are occasions when support and guidance can be maintained by holding a pupil in manner which does not carry the force of physical restraint. For example, an adult may hold a pupil's hand to ensure that he/she is safely guided when crossing the road.

Pupils may be successfully re-engaged in their educational activities by an arm on the shoulder or by leading them back to their seat; similarly a pupil may be diverted from behaviour which may be harmful to, or destroy, a good working atmosphere or which may damage property or belongings. However, some pupils engaged in an argument, which in itself is not likely to cause serious harm, but is nonetheless disruptive and detrimental to the well-being of other pupils, may be successfully separated by being guided away using physical guidance with little or no force. The main factors separating physical guidance from restrictive physical intervention are; the degree of force applied, the intention of the action and how the action is perceived by the pupil. It may also be appropriate to use physical guidance when positive verbal prompting has been unsuccessful.

Physical guidance may be part of a systematic approach to crisis/confrontation resolution but should always be preceded and accompanied by continued verbal calming and other de-escalation strategies and should be set within the school's behaviour management policy.

The use of such physical guidance would form part of the supportive interventions such as tone of voice, particular looks; taking a hand to guide to safety, shepherding a pupil away by placing a hand in the centre of the back, blocking a pupil's path, or physically interposing between pupils. An approved training organisation would put these and other measures in a wider context. These precede the use of a restrictive physical intervention, which requires a degree of force. The use of force should only be used as a last resort.

Section 4: DEVELOPING YOUR SCHOOL POLICY

- Schools will have policies which describe duties of and for care arising from Health and Safety, Child Protection and Behaviour Management.
- Policy and Practice about restrictive physical intervention will be set within the policy for management of behaviour, and in the context of the duties of care to and for pupils and staff embodied in Wirral's Local Authority Health and Safety and Child Protection policies. The policies will need to refer to the broad range of strategies staffs are allowed to use when attempting to defuse an incident of extreme behaviour. On a school by school basis, these will then be modified by the training accessed and provided which is specific to the identified needs of the school.

Such policies may need to include reference to:

- Strategies for reducing the likelihood of the occurrence of behaviours which precipitate the use of restrictive physical intervention.
- Strategies for de-escalation or defusion to avert the need for such intervention.
- Procedures for post incident support and debriefing for staff, pupils and families.
- The concept of reasonableness in the use of force, determined by the circumstances including: the seriousness of the incident; the relative risks arising from using restrictive physical intervention as opposed to another strategy; the age, cultural background, gender, stature, and medical history of the pupil.
- The application of gradually increasing or decreasing levels of force in response to the pupil's behaviour.
- The approach used to risk assessment and management.
- The distinction between: "seclusion", whether enforced as an extreme emergency procedure to protect other people where a pupil is forced to spend time alone against their will for the shortest possible time, or emotional, where communication, personal goodwill, or support for aspects of the individual plan are withdrawn; "time out", aimed at altering a behaviour to one more acceptable or manageable, which restricts the pupil's access to all positive reinforcements; and "withdrawal" which involves removing a pupil from a situation causing distress or anxiety to where they can be observed and supported until ready and able to resume normal activities.
- The distinction between "planned" physical interventions, for foreseeable situations, and the use of force in emergency, unforeseen, situations.
- First Aid procedures to be employed, and by whom, in the event of injury or physical distress as a result of a physical intervention.
- Practices which are unacceptable. (Refer to paragraph 2.8 and Appendix 5.)
- Situations where breakaway or disengagement strategies, may be sanctioned as documented and risk assessed.

- Safeguards needed to protect the rights of pupils who need constant supervision. Where a school is purpose designed to have doors with high handles, they are there for the purposes of Health and Safety. However, pupils whose lack of awareness of danger may present a risk to themselves or others in public places, may require the use of locked doors. In such *unusual* circumstances it would be wise to obtain a court order for each such individual pupil. (DfES guidance document LEA/0242/2002 paragraph 10.10)
- The provision of appropriate training, updates and refresher courses.
- Who is trained to an appropriate level, and sanctioned to use restrictive physical interventions, apart from reasonable emergency use by others.
- The selection of approved trainers able to deliver the training required by the school.
- How and when policies will be reviewed, evaluated and amended.
- How the policy will be made known to all concerned, staff, pupils, parents or those with parental responsibility, and other involved professionals.
- How records will be kept and incidents reported and to whom.
- The reporting of major injuries to staff, or hospital treatment for a pupil, arising from the use of restrictive physical intervention. The LEA will define when incidents need to be reported to it.

In practice, this means that:

- All staff should seek to promote an atmosphere of calm predictability and order so that young people and staff feel secure.
- Schools should have policies with strategies specifically designed to address situations of disruptive behaviour and staff should have received appropriate LEA endorsed training. (See Section 8 and Appendix 1).
- The professional practice of staff in such situations needs to be clearly understood by all staff, young people and their parents/carers. Such practice should be consistent and considered and all actions taken must be fully recorded in a standard format which is readily accessible to staff, and, shared where appropriate, with parents.
- All relevant staff - both teaching and support staff - need to know the school policy on the use of restrictive physical intervention.

Deleted: physical restraint

Staff in a school/setting will know who has been trained in restrictive physical intervention, and to meet which kind of circumstance.

A suggested check list for staff is set out in Appendix 3.

- Schools should ensure that supply staff are familiar with school policy on restrictive physical intervention.
- All schools will report on types and levels of incidents, trends and training, termly to governors, making any adjustments to policy and practice in the light of experience. An annual review, in conjunction with the whole school policy on behaviour management, should be undertaken
- All staff should be asked to contribute to reviews and should be fully informed of the outcome.

The use of physical force will always relate to an individual pupil or pupils, and/or an incident. It is not a punishment and therefore:

Physical intervention must never be part of the rewards and sanctions system of a school.

A document entitled "Violence at Work" was circulated to schools several years ago by the Director of Education. Until an overall Wirral Local Authority Health and Safety Policy incorporating its duty of care to its employees and people affected by its work is finalised, schools should make reference to the previously circulated policy. General reference is also made in this document on restrictive physical intervention to the rights, as well as the responsibilities, of members of staff when confronted by any threat.

Section 5: RECORDING AND REPORTING

Schools should establish arrangements to ensure that all incidents of restrictive physical intervention are logged by the member(s) of staff involved as soon as possible after the event. It is good practice to have a standard format for recording **any** unusual incident - not just the physical restraint of a young person. This might take the form of a special "log book" or file with consecutively numbered pages.

Schools are strongly advised to refer to **Appendix 9.2** for the recommended frequency of review, the purposes for which the log contents should be used and a suggested report form.

If a series of repeated but separated incidents occur in a day, the reports should be kept together so that a clear picture of the child's behaviour is built up through clear recording.

The entry must be made by the member(s) of staff concerned who should sign and date it. The report must include:

- details of when and where the incident took place (sketch plans are helpful);
- circumstances and significant factors which led to the Incident including the reason that force was necessary; how the incident began and progressed; details of pupil behaviour; what was said by each of the parties; steps taken to defuse or calm the situation. A suggested format suitable for use in recording incidents is set out in Appendix 1.
- Pupil response and outcome;
- the duration and nature of the methods used;
- the names of pupils and staff involved and of all witnesses;
- a description of any injury sustained by pupils or staff and subsequent medical attention;
- a description of any action taken after the incident including how the parent(s) were informed and offered an opportunity to discuss the incident

The Incident book should be readily available for inspection and should be retained for ten years after the last incident recorded.

By following school policy in dealing with, and recording, the incident, staff will put the school and themselves in a much stronger position should a complaint lead to any formal proceedings.

5.1 WITNESS STATEMENTS

After the incident has been resolved, the Headteacher or senior member of staff should be verbally apprised of the incident at the first practical opportunity.

Statements should be taken from witnesses and this should be carried out by a senior member of staff as soon as possible after the incident.

However if the Headteacher or senior member of staff considers that the school's guidelines for the use of restrictive physical intervention have not been followed, the incident itself should be referred for action in accordance with child protection procedures set out in the Authority's Child Protection Procedures.

In these circumstances all investigations including the taking of statements must cease. Further investigations will be undertaken in accordance with child protection procedures.

When taking a witness statement from another child, the following points should be considered:-

- avoiding the risk of collusion;
- having a quiet place in which to record the statement;
- the language skills and level of understanding of the child.

All senior staff must record details of their involvement of every stage, together with details of all follow-up action.

All incidents involving the physical restraint of a pupil must be discussed as soon as possible with a senior member of staff on the premises at the time and the Headteacher should be involved as soon as practicable thereafter.

At an appropriate time, the pupils and staff involved in the incident should have an opportunity to discuss the matter with a relevant member of the senior staff. In all schools, follow-up actions need to be appropriate to the age and abilities of the pupil. In principle, the Headteacher should share the written report with the pupil, whose view of the incident should be recorded as soon as possible after the incident.

Where the member of staff who dealt with an incident was the headteacher, each school should agree its own support system for the head in the light of its own systems and circumstances.

An incident involving the use of physical force can be an unusual occurrence in a school. Careful thought needs to be given to placing the incident into context for those adults and pupils who witness the event.

Consideration should also be given to the possible effects that the use of force on a young person has on a member of staff. Apart from suffering physical injury staff may need time to recover in a quiet place with support from a colleague.

Where a formal complaint has been received in writing about how a member of staff has dealt with a situation, and initial information gathering from witnesses by the headteacher (or Chair of Governors if the complaint is about the headteacher) indicates sufficient substance to warrant a formal investigation, the employee must be informed as soon as possible, and should be advised to contact his/her Professional Association or Trade Union before making any formal response or statement. (See guidance in LEA Child Protection Procedures regarding dealing with allegations.)

5.2 INFORMING PARENTS AND CARERS

Each school should include a section in its normal information to parents (such as the school prospectus, but also in other regular sets of information) about behavioural expectations and school policy. Parents need to understand the policy includes the possibility, in certain rare and specific types of circumstance, of using restrictive physical interventions. It is recommended that this also be included as part of the Home/School agreement.

Parents of a pupil (or those with parental responsibility) will have been involved in formulating the individual behaviour plan, which will have made any necessary reference to the need for restrictive physical intervention.

It is the responsibility of the school to inform parents or carers about physical restraint of their child as soon as practical after the incident. If the child is looked after by the Local Authority, the key social worker must also be informed if a physical restraint has taken place.

Individual schools must decide how this should be done and by whom and record this process as part of the policy – a clear account of the incident must be given to the parents/carers, but if further information is requested, the school should seek guidance from the LEA consistent with the practice set out in school records and regulations.

5.3 INFORMING THE GOVERNING BODY AND THE LOCAL EDUCATION AUTHORITY

The Headteacher should report incidents involving the use of force to the Governing Body. A minimum requirement would be for incidents to be reported as part of the Headteacher's report to Governors. However, since Governors have a responsibility in the school complaints procedure, the Governing Body should be kept informed about serious/unusual incidents more immediately.

Schools routinely log accidents and injuries with the Health and Safety Department. The authority will ask schools annually for a record of such incidents in the interests of building up knowledge to be used in identifying support for schools generally or individually.

Section 6: ALLEGATIONS AGAINST STAFF

6.1 INTRODUCTION

Procedures set out in the Wirral Education; Child Protection Procedures require Headteachers (or chairs of governors) to consult immediately with the LEA following the receipt of an allegation that a member of school staff may have abused a child. "Abuse" in this context means any action that falls outside the principles for restrictive physical intervention and safe handling set out in this document. This does not necessarily mean that a Child Protection investigation will take place.

The following guidance is intended to assist Headteachers and Governing Bodies in making decisions as to whether the reported action or behaviour should be dealt with in accordance with the Child Protection procedures. The following paragraph, first quoted in the Introduction, is repeated here for the support and protection of all staff.

This document is about supporting teachers and other authorised staff in the use of Restrictive Physical Interventions. In that respect, it is important to make clear at this stage that, whenever an actual injury occurs in the course of or connected with the use of the intervention, it should be reported to the member of staff with responsibility for child protection who should report the incident to the LEA child protection officer. Staff concerned should detail fully and carefully what actually happened, in what circumstances, who was there, what led to the incident, what the attitudes were of significance, informed by demeanour, language, looks, what actual words and holds were used, how continuing attempts to calm the situation were made and what resulted. The school's own investigation procedures, whenever an injury needs to be reported, should then be suspended until the joint strategy group has considered the actual evidence provided as just described.

6.2 CONTEXT

Teachers should discharge their duties in the manner of good parent.

It is not intended that this guidance should deter routine physical contact between school staff and children. Physical contact may be necessary on occasions to control or protect a child. School staff should feel able to appropriately provide comfort to ease a child's distress, although in such situations consideration should always be given to the wisdom of being alone with the child. However, staff should avoid touching or holding a pupil in a way that might be considered indecent. **In touching a child the member of school staff should always be aware of the possibility of invading the child's privacy and should respect the child's wishes and feelings.**

Physical contact should not be in response to, or be intended to arouse sexual expectations or feelings.

The age, gender, culture and particular needs of the child (including his/her level of understanding) should also be considered in deciding proper physical contact.

Staff who deal with pupils between the ages of 16 and 18 should also bear in mind their need to avoid behaviour which infringes the relationship of trust. (For further detail, please see the LEA Child Protection Guidance Document, Chapter 5 (5.3))

6.3 GUIDANCE

6.3.1 ALLEGATIONS AGAINST STAFF

The following actions set out in (a), (b) and (c) below will be considered as unacceptable professional conduct. They could also include a potential criminal offence and may need to be investigated through child protection procedures.

- (a) A member of school staff slaps, punches, pinches or hits a child.
- (b) A member of school staff hits a child with an object or implement.
- (c) A member of staff deliberately pushes a child, not in the context of guiding or controlling.

Headteachers are strongly advised to consult the LEA (General Inspector – PSHE and Pupil Response or General Inspector – Workforce Development) in these matters; failure to do so could result in criticism of the management and outcomes of the incident which is not in the best interest of any of the parties concerned.

6.3.2 ALLEGATION AGAINST A HEADTEACHER

When it is alleged that a Headteacher has failed to follow the school's guidelines for the use of physical restraint, the Chair of Governors, in liaison with the LEA representative for the school, should initiate Child Protection procedures.

These procedures are set out in the Wirral Education Department, Child Protection Procedures and advice should be sought as a matter of urgency. **The General Inspector for Human Resources and Workforce Development is the usual LEA contact for any Child Protection allegation involving a member of school staff and the General Inspector for PSHE is the named officer for Child Protection and either officer should be contacted as a matter of urgency in the event of an allegation.**

Section 7: HANDLING COMPLAINTS

Any complaint arising from the use of restrictive physical intervention must be fully considered in light of existing **statutory** routes of investigation, that is, either;

- (a) Child Protection (Social Services) investigation; or
- (b) Disciplinary Procedures (Education Personnel) investigation.

Only where - following appropriate consultation with the Social Services and Education Departments - there are perceived to be no grounds for pursuing either of these routes should an investigation be initiated via the school's normal complaints procedures.

If in doubt, schools are advised to contact the General Inspector, Human Resources and Workforce Development before conducting an investigation, which may prejudice the outcome at a later stage.

If the complaint is about the school's policy and procedures, and not the actions of a member of staff, the school's complaints procedure should be used.

Section 8: TRAINING

The level of training in the use of restrictive physical intervention will vary from school to school, depending on the particular educational setting and patterns of pupil behaviour.

Schools will need to identify their degree of need (for example, based initially on the frequency of incidents). The cost of training must be met by individual schools, but the LEA can refer schools to known local trainers. Otherwise, schools will need to seek their own source of recognised trainers.

All staff should be fully conversant with the school's guidelines for the use of restrictive physical intervention and should share good practice in an open manner. Staff should also be shown how to record details of any incident involving physical restraint.

Schools in which restrictive physical intervention with pupils will be planned for should access in-service training in methods of restrictive physical intervention approved by Wirral LEA/DfES. The head should discuss, define and agree the contents of the training with the provider.

Any in-service training on the use and techniques of physical restraint must only be given as part of a programme which puts its use within a full context of care and control.

This training should include:

- creating a positive climate;
- involving young people themselves in pre-emptive work, discussing the issues of acceptable behaviour;
- dealing with hostility to avoid spiralling tension;
- defusing aggression;
- managing violence;
- the physical capabilities and/or difficulties of individual members of staff;
- how support can be made available at an incident and;
- how to proceed if no support is available.

Schools should be guided by Wirral LEA/DfES/BILD when seeking training, both in behaviour management - including the items listed above - as well as basic training in the techniques of restrictive physical intervention.

Staff will also need to be made aware, through the LEA, of the council's policy regarding the management of threatened or actual violence to members of staff.

8.1 INDUCTION

On joining the school, all new staff must have an explanation of the school's policy on physical restraint included in their induction programme. This applies especially to Newly Qualified Teachers.

Consideration should also be given to how supply teachers and other temporary staff are informed of school policy on physical restraint.

Schools may want to consider how all such staff new to the school will be immediately enabled to access relevant written or verbal advice. A simple, effective system appropriate to the schools communication procedures will be important to ensure consistency of expectation for the pupils and staff.

8.2 ADVICE AND SUPORT FROM LOCAL SPECIAL SCHOOLS

As part of their development into more specialist schools with appropriately trained staff, there are staff who can provide advice, support and training for Wirral schools on Restrictive Physical Intervention. This may be a more appropriate, easier and cost effective route to explore for recognised training .

This would still require the client school to have determined its own training needs in discussion with the provider.

Schools may wish to enable a member of their own staff to train as a trainer.

THE APPENDICES

The APPENDICES which now follow are largely taken verbatim from documentation identified in the reference section. In Appendix 2, we publish, as current working examples of current recording practice, "Challenging Pupil Behaviour – Incident Reporting Sheet" from Foxfield School and "Serious Incident Report" and allied recording from Kilgarth School. Appendix 8 is the Borough Solicitors approved legal guidance originally prepared for Wirral Social Services Department, equally relevant here. Appendix 9 has been written for this document.

Section 9: APPENDICES

9.1 APPENDIX 1: ACCESSING TRAINING

ADVICE ABOUT HOW TO APPROACH ACCESSING TRAINING FOR RESTRICTIVE PHYSICAL INTERVENTIONS IN THE CONTEXT OF BEHAVIOUR MANAGEMENT FOR YOUR SCHOOL.

This advice is drawn from BILD (The British Institute of Learning Disabilities), which is the organisation charged with the responsibility of accrediting those who would deliver such training.

1. Obtain and read the BILD Code of Practice (ISBN 1 902519 78 7) published by BILD in 2001. By doing so, you will know the common and essential elements which will have been accepted by training organisations accredited by BILD, and incorporated into their training.
2. This should then help you to do an initial assessment of the training needs of your school in terms of kinds of training; integration with the whole area of managing challenging behaviour; for whom the training will need to be provided; how much and how often.
3. You then know what kinds of questions you would have of prospective providers, and basic requirements you would want them to meet for you.

BILD has produced the following advice about how to approach the task of commissioning training for your school.

Information on how to purchase Physical Interventions training

When commissioning training in the prevention and management of challenging behaviour, accreditation can form one important component of the process. It is important that training is not commissioned on the basis that a colleague says it is good, the organization has used similar training in the past or that the training organisation simply appear in the directory.

If you want to commission training where do you start?

Firstly the commissioning organisation should undertake a behavioural audit, to collect information on how often physical interventions are necessary, what kind of challenges service users or pupils present and how many 'critical incidents' occur related to difficult to manage behaviours. Essentially you may find that people often present with verbal aggression and rarely actually attempt to assault others or harm themselves, so it is likely you need training in prevention, management and de-escalation of challenging behaviour therefore, the audit information would be important in informing the type of training that should be commissioned.

You should ensure that there is an organizational policy relating to the prevention and management of challenging behaviour. If physical interventions are used this policy should make reference to the DoH/DfES (2002) and the *BILD Code of Practice* (2001) for the use of restrictive physical interventions. Ideally your organization should also have risk management protocols in place which include an organizational training and implementation strategy which include approaches to managing risk associated with challenging behaviours, a risk assessment process and individual risk assessment plans.

The *BILD Code of Practice* (2001) also gives commissioners some guidance in terms of what good training may 'look like.' All people involved with the process of commissioning training should ideally have read the Code of Practice for Trainers in Physical Interventions (2001) and understand the issues relating to the use of physical interventions within the service.

Once you have decided on the criteria for commissioning it is important to have contact with or interview at least three training organisations which will enable you to ensure you have seen a breadth of trainers.

Adopting the Code of Practice

Adoption of the Code is an informal statement of intention to operate to the standards within the Code and to aspire to the standards within the accreditation process. Organisations that have adopted the Code of Practice will not have undergone any standardised inspection or accreditation process. It is a public statement of intent. It is important that as commissioners of the training you are satisfied the training will meet the needs of your organisation.

Accreditation

Those organisations that are accredited by BILD will have undergone a rigorous assessment process which includes;

- submitting a portfolio of evidence
- training being assessed against the standards of the Code of Practice
- an oral presentation to a panel of experts which discusses implementation of the Code of Practice

If an organisation is accredited by the BILD Physical Interventions Panel it is proof that they have met the standards within the Code, for the courses they submitted and have been assessed within the scheme. It is important that the commissioning organisation still goes through a thorough process to appoint a training organisation.

Questions to ask

How will the training you deliver meet the needs of this organisation? This will indicate if the training organization has understood the needs of your organization based on the behavioural audit which has been prepared.

How does the training you deliver balance theory on the management of aggression with the physical component? It is important that all training on physical interventions also has elements of theory which cover primary prevention, de-escalation & management of behaviours. This will ensure that participants will understand why challenging behaviour occurs.

Can the organisation give guidance which is specific to one service user? This is a good indication that the training organisation would like to work with you to support individuals with specific needs if appropriate.

Which physical techniques would be taught to our organisation and why? Essentially the trainer should make reference to the behavioural audit which will indicate the behaviours the service commonly experiences. The techniques should be those which enable participants to respond to the situations highlighted by audit.

How were the techniques developed? This will enable you to have insight into the perspective of the training organisations ethos, culture and influences.

Which similar organisations have you already undertaken training within? It may be useful to make contact with previous customers that have similar needs to your organisation and discuss the training they have received.

Step by step guide to commissioning training in the use of physical interventions.

- Conduct a behavioural audit
- Ensure the commissioning organisation has clear policies and protocols in place. These should include risk management related to violence and aggression.
- Organise a panel to commission the training
- Ensure all the commissioning panel have looked at the policies, risk management protocol and the *BILD Code of Practice (2001)*.
- Make contact with a number of training organisations and select several who may possibly be appropriate to deliver training in your service.
- Ensure that those selected have adopted the Code of Practice or are accredited; this can be checked via the BILD web site. If you are in any doubt contact the PI administrator who can confirm all queries. (BILD will not recommend a trainer to you).
- Arrange to interview the trainer(s) or view some training. Ask questions based on the Code of Practice. Perhaps contact similar services who have used the training.
- Ensure that once you have selected a trainer, a training implementation strategy is developed that supports the policies within the commissioning organisation.

9.2 APPENDIX 2: SELECTED FORMATS FOR AN INCIDENT REPORT FORM

The book of which this will form a part should be reviewed half termly, apart from termly reports to governors, for the following different purposes;

- Compliance with statutory requirements:
- Monitoring of service users' welfare:
- Monitoring of staff performance and identifying training needs or outcomes:
- Contributing to the school's and LEA audit and evaluation:
- Updating medical records.

Schools may find the following format helpful when devising their own incident report system.

Consideration should be given to:

- accessibility of report forms;
- confidentiality: where completed forms are stored, who has access to them and why;
- a tamper-proof system: having sequentially numbered pages: cross-referencing witness statements.

REPORT OF SIGNIFICANT INCIDENT INVOLVING RESTRICTIVE PHYSICAL INTERVENTION

..... School

Date of Incident..... Time.....

Pupil Involved

Staff Involved

.....

.....

Staff Witnesses

.....

.....

Pupil Witnesses

.....

.....

.....

Reason for the need to use restrictive physical intervention.

1. Antecedent Behaviour:

Describe circumstances leading up to incident with particular reference to attempts to avoid physical handling. Refer to presence of other adults (if applicable).

2. Handling:

State clearly the grounds on which physical force was used. Describe how the pupil was held with approximate duration. Include the extent of continued verbal communication with the pupil. If more than one member of staff was involved, each should record their actions separately and attach such records to this form.

3. Subsequent Behaviour:

Describe pupil's behaviour from point when hold was released until either supervision was handed over to someone else or normal activities were resumed.

4. Injuries:(include details of medical attention)

To Pupil

To staff

5. Cross reference to any other significant records.

Signed:.....Date:.....

Pupil's view of the incident – where the pupil is capable of providing such a view, according to age and/or ability.

(To be written either by the pupil or dictated by the pupil and recorded by the Headteacher or senior member of staff)

Signed (pupil).....Date:

Conclusion

Written by Headteacher or senior member of staff.

Parent/Carer informed Date:

Signed:.....Date:

Challenging Pupil Behaviour – Incident Reporting Sheet

Date: ___/___/___

Time: _____ am / pm

Location: _____

Staff involved (inc. initials): _____

Pupil: _____

Briefly describe the incident:

Does the pupil have in place:

A written assessment for challenging behaviour?	YES / NO
A written behaviour management plan, approved by the parent(s)?	YES / NO

Are there any alternative/multiple recording systems in place? YES / NO

Which de-escalation strategies were used to respond to this incident?

Diffusion		Change of environment	
Coercion		Change of activity	
Change of staff		Ignoring the behaviour	

Was Restrictive Physical Intervention used during this incident? YES / NO

If YES, which techniques were used?

Tuck away hold		Lying on back	
Bar over hold		Lying on front	
Standing		Staff change overs	
Sitting			

Duration of the RPI?	minutes
Duration of the entire incident?	minutes

Was the intervention	planned?	
	emergency?	

Did the incident result in:

Injury to pupil?	
Injury to staff?	
Damage to property?	

Who has been informed of the incident?:

Parents?	
Headteacher / Deputy Headteacher?	
LEA (through formal reporting requirements)?	

EXAMPLE

KILGARTH SCHOOL

MOVEMENT OF PUPIL REPORT FORM

Name of Pupil _____ Date _____

Reason for pupil being moved:

Confrontation: Pupil/Pupil	Confrontation: Pupil/Staff	Incitement of Others	Disruption of Lessons

Initial action taken by staff:

Asked to Move	Told to Move	Informed of consequences if he did not move	Movement Undertaken

Location of Incident: _____

Witnesses to the Incident: _____

Action Taken and Outcome: _____

Name of Injured person (if any*): _____

Injury Sustained (if any*): _____

Damage to Property (if any*): _____

Signed: _____ Date: _____

* Accident procedures should be followed if appropriate

EXAMPLE

KILGARTH SCHOOL

SERIOUS INCIDENT REPORT

Seen by Head:		Date:		Log Book Number	
----------------------	--	--------------	--	------------------------	--

SECTION A

Name of Child:				Year Group	
Date:		Time:		Place:	

Names of Staff Involved: _____

Names of Witnesses: _____

REASON FOR INTERVENTION

Immediate danger of personal injury to self		Fighting	
Immediate danger of injury to another person		Assault	
Disruption to other pupils		Verbal threats	
To avoid damage to property		Accidental	

DESCRIBE THE LEAD-UP TO THE INCIDENT BEHAVIOUR:

DE-ESCALATION TECHNIQUES USED

Verbal advice and support		Humour		Distraction	
Re-assurance		Options offered		Step away	
Calm talking		Time out offered		Time out directed	
Non-threatening body language		Other (please specify)			

EXAMPLE

KILGARTH SCHOOL

ACTION TAKEN BY HEADTEACHER/DEPUTY HEAD

Name _____ Designation _____

Incident book completed	Yes/No	
Signed by Headteacher	Yes/No	Head to initial action
Parents Informed	Yes/No	

Incident Discussed with Pupil	Date	Time

Incident Discussed with Staff	Date	Time

Other Professionals informed	Yes/No
------------------------------	--------

Name	Designation	Date Informed

Action Log (any other actions taken/follow up from other professionals etc)

Date _____ Summary of Actions/Reports

SAMPLE LETTER

Dear

Unfortunately, your son had to be physically controlled today in order to prevent him from:

- Causing injury to himself
- Causing injury to others
- Disrupting the good order of the school
- Damaging property
- Committing an offence

Whilst your son was not hurt in any way, the incident removed my staff from their normal work and therefore has interfered with other boys' education and is not an experience I wish to have repeated.

This was distressing both for your child and the teacher involved. If we have not already done so, we will contact you at home or by telephone as soon as possible. Please feel free to contact us if you wish to discuss the incident further.

Our procedure complies with the law, Education Act 1996 Section 550A. The incident has been logged in our Serious Incidents Record File.

Yours sincerely

Headteacher

9.3 APPENDIX 3: A SIGGESTED CHECKLIST FOR STAFF

Schools might consider issuing all staff with a checklist - a reminder of what to do (and not to do) when the need arises to use physical interventions and, possibly, force.

An example of such a check list is set out on the next page.

This format may need amending to fit the context of physical contact in particular schools, such as schools for children with Severe Learning or Behavioural Difficulties.

This should be displayed clearly in those areas accessible only to staff.

PHYSICAL RESTRAINT 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 restrictive physical intervention. A copy of these are available from:
- **Discuss** these with a senior member of staff if you are unsure of any point.
- **Be aware** of pupils with whom you have contact who have individual education or behaviour plans; particularly those who have been physically restrained before and what happened.
- **Send for adult** help early if thing begins to get out of hand and restraint seems likely.
- **Assess** the situation before acting. Know how to disengage as well as how to engage.
- **Stay calm** - do not over-react.
- Use **minimum** force for **minimum** time.
- **Report** the incident to the Headteacher or senior member of staff as soon as possible and complete a report form.
- **Consult** your Professional Association or Trade Union if you have any concerns.
- Remember your **professional obligations** to all pupils in your care.

DO NOT...

- **Place yourself at risk:** do not attempt to use restrictive physical interventions on a pupil who obviously carries a "weapon".
- Attempt to use restrictive physical intervention on a pupil when you have lost your temper.
- Allow the situation to get out of control.
- **Use excessive force.**
- Place yourself at risk of false allegation: avoid being alone with any pupil.

9.4 APPENDIX 4: DFES GUIDANCE

9.4.1 THE USE OF RESTRICTIVE PHYSICAL INTERVENTIONS ON PUPILS

Section 550A of the Education Act 1996 came into force on 1st September 1998. This clarifies the powers of teachers and other staff who have lawful control or charge of pupils to use reasonable force to prevent pupils committing a crime, causing injury or damage or causing disruption.

It states that;

- (1) A member of the staff of a school may use, in relation to any pupil at the school, such force as is reasonable in the circumstances for the purpose of preventing the pupil from doing (or continuing to do) any of the following, namely –
 - (a) by committing any offence,
 - (b) by causing personal injury to, or damage to the property of, any person (including the pupil himself), or
 - (c) engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils, whether that behaviour occurs during a teaching session or otherwise.
- (2) Subsection (1) applies where a member of the staff of a school is –
 - (a) on the premises of the school, or
 - (b) elsewhere at a time when, as a member of its staff, he has lawful control or charge of the pupil concerned;
but it does not authorise anything to be done in relation to a pupil which constitutes the giving of corporal punishment within the meaning of section 548.
- (3) Subsection (1) shall not be taken to prevent any person from relying on any defence available to him otherwise than by virtue of this section.
- (4) In this section –

“member of the staff”, in relation to a school, means any teacher who works at the school and any other person who, with the authority of the headteacher, has lawful control or charge of the pupils at the school;

“offence” includes anything that would be an offence but for the operation of any presumption that a person under a particular age is incapable of committing an offence.

Circular 10/98

- Gives examples of circumstances in which physical intervention might be appropriate and factors that teachers should bear in mind when deciding whether to intervene
- Discusses the meaning of “reasonable force”
- Advises that schools should have a policy about the use of reasonable force and should tell parents about it

- Advises that schools should record incidents in which force is used to control or restrain a pupil and tell parents of any such incidents.

Circular 10/98 also identifies that the DfEE intends to issue guidance to help staff choose strategies for restraining pupils presenting challenging behaviour with a focus on special educational needs settings. They have declared an intention to issue a draft document for consultation. As soon as this document is available Wirral LEA will consult widely for the benefit of all schools on future policy and practice.

The use of corporal punishment is forbidden in any circumstances. Staff should never use force that is inappropriate.

9.5 APPENDIX 5: DEPARTMENT OF HEALTH

The Department of Health guidelines make it clear that the following sanctions are prohibited:

- **Corporal punishment**

This term is taken to cover any intentional application of force as a punishment, including slapping, throwing missiles and rough handling. It would also include punching or pushing in the heat of the moment in response to violence from young people.

- **Deprivation of food and drink**

This includes the denial of access to the amounts and range of meals and drinks normally available.

- **Restriction or Refusal of Visits / Communications**

Restriction or refusal of contact as a punishment is not permitted. It is recognised that children sometimes need to be protected from visits. It will continue to be legitimate to control unplanned visits.

- **Requiring a Child to Wear Distinctive or Inappropriate Clothing**

This should include any recognisable punishment uniform or badge, and clothes, footwear or hairstyle which are inappropriate to the time of day and/or the activity being undertaken.

- **The Use or the Withholding of Medication or Medical or Dental Treatment**

This would be a dangerous and utterly unacceptable practice and is accordingly totally forbidden in all circumstances, whether as a method of punishment or control.

- **The Use of Accommodation to Physically Restrict the Liberty of Any Child.**

Locking windows and doors as a security measure is acceptable as is school detention if the detention is reasonable, in accordance with the school rules and with prior arrangement with the parents / carers.

- **Intentional Deprivation of Sleep.**

This is totally unacceptable.

- **Imposition of Monetary Fines**

Fines imposed by Courts must be paid, but it is inappropriate for anyone other than the Courts to fine children or young people as a sanction. However, it may be appropriate in the case of wilful damage or stealing to approach the parent carer to make a contribution towards the cost of repairs or replacement.

- **Intimate Physical Searches**

This is totally unacceptable. Searches of clothing or property may be necessary on occasion not as a punishment but, if possible, with the permission of the child/young person. If it is suspected that the child/young person has secreted drugs on his/her person, then the police should be notified.

9.6 APPENDIX 6: ASSESSING AND MANAGING RISKS FOR PUPILS WHO PRESENT CHALLENGING BEHAVIOUR

Risk and Risk Assessment

Risk refers to any circumstance which could lead to adverse outcomes for the pupil or others.

Risk assessment is a process enabling staff to assess risk issues, manage them and learn from them while acting reasonably;

- Use what is known to judge the risk issues for the pupil and others.
- Weigh up options, take reasonable risks to benefit the pupil.
- Implement a range of approaches to support and safeguard the pupil and others around, including reasonable and proportionate responses to challenging behaviour.

Be proactive. Have a behaviour management plan for all appropriate pupils. The plan should;

- Identify the risk factors influencing behaviour.
- Recognise early warning signs.
- Support the development of skills to manage reactions.

Whether pre-planned or reacting to an emergency;

- Assess the context of the risk and the reaction
- Assess the degree of probability for harm to occur
- Assess the seriousness of the harm to result

Have documented a range of interventions which are appropriate to a range of behaviours, to manage and minimise adverse outcomes.

Exploring Risk Reduction Options

Having deliberately identified useful options, and discarded options with too many drawbacks (and noted both) arrive at;

- Proactive measures to support the pupil and prevent known difficulties.
- Early interventions to use with the pupil to reduce difficulties and avert problems.
- Planned measures which may be necessary to manage the safety of the pupil and others, when unavoidable difficulties arise.

Be sure to seek advice if there may still be risks for anyone concerned associated with the chosen risk reduction options. Sources of advice for pupils include medical advisers and ACPC for concerns regarding the pupil, and the LEA, Social Services, Health and Safety officers and legal advisers for concerns regarding staff and others.

Deciding Risk Management Measures

Involve staff, pupil, parents, those with parental responsibilities, and appropriate professionals from other agencies in agreeing the risk management strategy.

When the strategy is to be implemented, ensure you have identified and recorded;

- Risks that continue to exist with implementation
- Risks that will be reduced with implementation
- Risks that can be prevented with implementation
- Risks that are inherent in the strategy

Sharing and communicating an agreed approach

Having agreed and recorded the plan, share it with;

- The pupil
- His or her parents or those with parental responsibility
- Members of the school's teaching and support staff
- Other professionals and agencies (including the child protection team) involved with the pupil.

Staff Training

- Identify the issues for training, especially urgent matters, for relevant staff to manage the strategy
- Enable the training to take place by accessing an LEA approved trainer
- Modify the strategy until training has taken place

Evaluating Impact

- Record when plans and strategies are used
- Establish systems to record what was used and review outcomes, to inform developments

9.7 APPENDIX 7: REFERENCE TO SUPPORTING DOCUMENTATION

LEA Behaviour Support Plan

The plan will cross reference to this document. It will support the principle that, in rare circumstances, after all other identified positive and/or preventative strategies have been exhausted or shown to be inappropriate or ineffective, the use of reasonable force to control a pupil in accordance with Section 550A of the Education Act 1996 may be necessary.

The plan will provide a wide range of sources and references to social, emotional and behavioural advice and support for our most vulnerable and, at times, challenging pupils. Schools may use this for their own purposes to know where to access support, or to help with their own behaviour management plan development. In addition, the Behaviour Support Plan may also be used as a source of advice and support for parents and those with parental care responsibilities.

9.8 APPENDIX 8: LEGAL FRAMEWORK

9.8.1 GENERAL

When considering the legal framework for physical intervention by staff with service users the following areas need to be considered:

- The Council's Duty of Care to its service users and the public
- The Council's statutory duty to provide a safe working environment for its staff i.e. Health & Safety
- The civil law governing the lawful use of physical force
- The criminal law governing the lawful use of physical force
- The Human Rights Act 1998

9.8.2 NEGLIGENCE AND THE DUTY OF CARE

The Council and its employees owe a duty of care to service users and the public at large to take reasonable care to avoid acts or omissions which are likely to cause harm. Breach of this duty can amount to negligence. A finding of negligence could result in award of damages against the council and/or its employees.

In the context of providing support for people with physical and/or learning disabilities or with mental health problems staff should plan support with a view to avoiding foreseeable risks to the service user, other staff and the public at large. This can mean that in certain limited circumstances, with a particular service user the use of physical restraint may not only be lawful, but required in order to fulfil the Council's duty of care. The standard of care which is required by the law is that of a reasonable and prudent man. The standard of the reasonable man's conduct has been described as follows "Negligence is the omission to do something which a reasonable man, guided upon those considerations which ordinarily regulate the conduct of human affairs would do; or do something which a prudent and reasonable man would not do."

Evidence that the Council's staff have acted in accordance with accepted "best practice" in the field of social care will go a long way to establish reasonableness. Best practice can be shown by reference to Government Guidance and Codes of practice from professional bodies governing those involved in social care.

Where it is determined that physical restraint is a necessary part of a planned programme for a particular service user it is essential that the staff who carry out the restraint do so in a way which itself does not breach a duty of care to the service user. Thus, the intervention should be determined to be lawful (see Civil Law and Criminal Law governing the use of physical restraint). Again, full and professional training for staff in methods of restraint appropriate for particular groups of service user is crucial in showing reasonable care has been taken.

9.8.3 HEALTH & SAFETY AT WORK

The Council has a statutory duty to provide a safe working environment for its employees under the Health & Safety at Work ACT 1974 and associated regulations and guidance.

An action for damages against the Council could result from an unsafe working environment. Again, the training of staff in appropriate types of intervention, including physical restraint, may assist in fulfilling the Council's duty of care in this area.

9.8.4 CIVIL LAW GOVERNING THE LAWFUL USE OF PHYSICAL FORCE

Interference, however slight, with a person's elementary civil right to security of the person, and self determination in relation to his own body constitutes trespass to the person. Trespass can take 3 forms:

Battery - actual infliction of direct and intentional force on another without lawful justification. e.g. touching, pushing, stitching up clothes, putting in bed.

Assault - an act by a person which causes another to reasonably fear the unjustified use of force e.g. threats of violence, threats of unjustified physical restraint.

False Imprisonment - unlawful restraint of a person `s freedom of movement. e.g. seclusion, confinement in a room, tying someone to a chair, preventing a person leaving a room or building

Justification of trespass to the person

Trespass to the person (battery, assault, False Imprisonment) may be rendered lawful because they are legally justified. The following are justifications:

- The person committing the act was defending his person or property.
- She /he was preventing a crime/ breach of the peace - In essence a breach of the peace is harm done, or threatened, to a person, or to a person `s property.
- arresting or assisting the lawful arrest of offenders
- the person restrained is in such a state as to be dangerous to himself and others
- necessity - i.e. the duty to prevent reasonably for see able self-injury or harm to others, or serious damage to property.

In all of the above the person applying the force or threatening to do so must act reasonably.

Each person has individual responsibility and multi disciplinary decisions do not remove this personal responsibility. The following are all important -

- take all other measures, including removal of oneself from a situation before using force
- use of minimum level of force
- use of force for shortest possible time
- proof that force was the only real alternative
- proof that force was discontinued as soon as the danger was removed
- the danger must be immediate and serious

Consent to treatment

Consent can offer a defence to the use of physical force in the context of medical treatment.

The Mental Health Act 1983 Revised Code of Practice provides that consent “is the voluntary and continuing permission of the patient to receive a particular treatment, based on an adequate knowledge of the purpose, nature, likely effects and risks of that treatment including the likelihood of its success and any alternatives to it. Permission given under unfair or undue pressure is not consent.”

In the absence of informed consent no one can consent on behalf of an adult. A person can be treated without consent only if it can be shown to be “in their best interests”. Involvement of the person’s next of kin, advocates and appropriate legal advice are essential in all such situations to assist the treating doctor in making a decision. “Consent” should not be sought automatically from relatives, parent carers rather their views and knowledge of the service user should inform the decision. For further guidance staff should check Department of Health circular HSC/2001/023 at www.doh.gov.uk/consent.

Consent to the use of force generally

A service user might agree as part of his /her care plan that in certain situations, physical intervention should be used. A person `s consent in these circumstances does **not** necessarily make the restraint lawful. There must still be lawful justification for the permission to do so, or risk of harm, as in consent to medical treatment. A person cannot therefore consent to a criminal assault.

If an employee is maintaining that a service user consented to the force used against him, the key question becomes whether the consent extended to the degree or type of force used. It is therefore good practice to involve service users in devising their own care plan, but staff should **not** rely on a consent to the use of physical restraint as a sure indicator that the use of force will be lawful.

Mental Health Act 1983

Makes provision for lawful restraint of a detained person, but at no stage before an application under the Act is granted. A person cannot be restrained simply because (s)he suffers from a mental illness - there must be danger to self and others as detailed above.

Once a person is detained under the Act, staff are bound to act in good faith and with reasonable care in fulfilling their duties.

9.8.5 CRIMINAL LAW GOVERNING THE LAWFUL USE OF PHYSICAL FORCE

Assault and battery are criminal offences at common law

Additionally, there are statutory offences detailed in the Offences against the Person Act 1861 which provide for different types of assault to be specific offences. S47 assault for instance is an assault which “causes actual bodily harm”.

In general terms, for a person to be guilty of a criminal offence, is necessary to show that the person concerned intended to cause harm or was reckless as to the consequences of his/her actions and harm resulted.

Defences which may be pleaded to criminal charges of assault include self defence, consent (although this is limited) and lack of criminal intent.

9.8.6 THE HUMAN RIGHTS ACT 1998

The Human Rights Act came into force on 2nd October, 2000 and it gives effect in English Law to the rights contained in the European Convention of Human Rights which the U.K. ratified in 1953. The Act imposes an obligation on public authorities to act consistently with the Convention rights and allows individuals to enforce these rights in the U.K. Courts at all levels.

The aspects of the Human Rights Act which have relevance in the context of the physical restraint of adults with physical and/or learning disabilities or with mental health problems are:

- Article 3 - prohibition of torture, inhuman or degrading treatment
- Article 5 - Right to liberty and security
- Article 14 - prohibition of discrimination

Article 3 - prohibition of torture, inhuman or degrading treatment

Article 3 is intended to protect an individual's dignity and personal integrity. It provides absolute protection against treatment falling within its scope. This means that in no circumstances can treatment which is deemed to be inhuman or degrading be rendered lawful. To fall within its scope, the treatment must attain a minimum level of severity, assessment of which is relative. It depends on all of the circumstances of the case such as duration of the treatment, its physical or mental effects and in some cases, the sex, age and state of health of the victim.

Article 5 - Right to liberty and security

No one should be deprived of his or her liberty save in specified cases which include the lawful arrest or detention of a person for non-compliance with the lawful order of a Court, the lawful detention of a persons for the prevention of the spreading of infectious diseases, of persons with unsound mind, alcoholics or drug addicts or vagrants. The other exceptions contained in Article 5 are not relevant to the sphere of social care provision. Article 5 protects the liberty and security of the person. In determining whether a restraint on a person's liberty or freedom of movement amounts to a breach of Article 5, regard has to be had to a whole range of criteria such as type, duration, effects and manner of implementation of the measure in question. It is essential, therefore that when a situation has arisen where physical restraint of an individual is the only alternative in order to prevent harm to the service user, the staff member or others, that the application of force should be for the shortest possible period of time and of the lowest possible level to prevent the harm feared. Once again, regard must be had to Article 5 when devising a care plan which foresees the possibility of physical restraint. It is important that full records are kept and that the action taken is always proportionate to the harm foreseen. Explanation and discussion of the action following the need for physical intervention would also help to ensure that intervention to remain within the law.

Article 14 - prohibition of discrimination

Article 14 provides the right not to be discriminated against in relation to the rights and freedoms of the European Convention. This would cover discrimination on any grounds, such as gender, race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status. The Council must ensure it is not treating the particular group of service users to whom this policy applies in a different manner to other service users without objective and reasonable justification. To show discrimination a service user would have to show that another group of service users in a similar situation, e.g. children in residential care were treated differently and that there was no reasonable justification for the differential.

APPENDIX 9

FRAMEWORK FOR WRITING A

SCHOOL POLICY ON

RESTRICTIVE PHYSICAL

INTERVENTION.

OUTLINE OF POLICY CONTENT	SUGGESTED CONTENT/METHOD	SUGGESTIONS/SUPPORT
<p>1. <u>INTRODUCTION</u></p> <p>The context of the policy and its practice in your school. What have been its sources? What is your school's definition of restrictive physical intervention? Which staff, other than teachers, will be authorised to use RPI?</p>	<p>Cross reference to relevant school, local and national policies.</p>	<ul style="list-style-type: none"> • Wirral Behaviour Support Policy 2004 • School behaviour management and discipline policy/ies. • DfES circular 10/98. • DfES guidance document • LEA/0242/2002. • DfES guidance document <p>LEA/ 0264/2003.</p> <ul style="list-style-type: none"> • Wirral Social Services guidance on physical interventions. • Wirral Child Protection Policy 2003. • Outcomes of consultations. • Job descriptions. • Governors' decisions.
<p>2. <u>SCHOOL EXPECTATIONS</u></p> <p>Describe what you expect in terms of attitudes, methods and relationships best able to achieve standards of behaviour.</p>	<p>How school policies and practice will achieve consistency of understanding by staff and pupils.</p>	<ul style="list-style-type: none"> • Define quality of "good relationship". • Awareness of strategies such as diversion, defusion and negotiation. • Know how to decide whether use of force is reasonable or not. • Know the consequences of inappropriate use of force.

<p>3. <u>POSITIVE BEHAVIOUR MANAGEMENT.</u> Describe how to achieve expectations.</p>	<p>Refer to the school's policies supporting behaviour.</p> <p>How you involve staff, pupils, parents and/or carers in support.</p>	<ul style="list-style-type: none"> • Ethos and expectations. • Knowing and recognising triggers. • Proactive school routines. • Rewards and sanctions. • Self esteem. • IEPs and individual behaviour plans involving pupils, parents and other relevant professionals, to include proactive school behaviour. • Plans to meet and manage crises.
<p>4. <u>RISK MANAGEMENT AND PLANNING FOR POSSIBLE USE OF RPI.</u> Be proactive for group and/or individual situations.</p>	<p>Get to know and document the behaviours which might lead to the need for the use of force, and the techniques to be used. Risk assess the behaviour and the techniques for all involved.</p> <p>Know useful interventions which are not restrictive or forceful.</p> <p>Work with staff, pupil, parent/carer and relevant professionals.</p>	<ul style="list-style-type: none"> • Refer to Wirral Guidelines on Restrictive Physical Interventions document, paragraphs 4.5 to 4.8 and Appendix 6 (9.6)
<p>5. <u>USE OF FORCE IN UNFORESEEN OR EMERGENCY SITUATIONS.</u> Have planned a range of options.</p>	<p>From your plan and training, know the non-forceful, proactive options to use.</p> <p>Know the restrictive measures from training.</p> <p>Know Circular 10/98 and Section 550A of the Education Act 1996 – what you are permitted to do according to circumstance.</p>	<ul style="list-style-type: none"> • Refer to paragraphs 4.5 to 4.8 as above and Appendix 6 (9.6)
<p>6. <u>POST INCIDENT SUPPORT.</u> Describe what support is available, from whom and for what.</p>	<p>Describe what will happen if an injury, beyond initial first aid, needs hospital referral, including named staff (or staff roles).</p>	<ul style="list-style-type: none"> • First Aid trained staff. • Where to look after injured pupil or member of staff. • Injury procedures.

<p>7. <u>RECORDING AND REPORTING.</u> A description of the school policy.</p>	<p>Refer to school and LEA Health and Safety recording and reporting procedures for reporting injuries.</p>	<ul style="list-style-type: none"> • Recording and reporting policy. • Inform parents when their child is involved, and LEA if hospital treatment is required.
<p>8. <u>MONITORING USE OF RESTRICTIVE PHYSICAL INTERVENTIONS.</u> Explain how this will be done.</p>	<p>Refer to records of incidents and reporting. Refer to individual pupil records.</p> <p>Describe system to review incident precursors, methods used, outcomes for pupils and staff, and recommendations for any modifications from lessons learned.</p>	<ul style="list-style-type: none"> • Policy and procedures. • Records. • Minimum termly report and review to governors, preferably at least half termly by senior staff.
<p>9. <u>RESPONDING TO COMPLAINTS.</u> Describe which policies to use.</p>	<p>If complaint is about the policy, use complaints procedure, and refer to governors and LEA for advice, if consideration of change seems advisable.</p> <p>Otherwise refer to allegations section of Wirral Child Protection guidance</p>	<ul style="list-style-type: none"> • Complaints procedure. • Child Protection guidance.
<p>10. <u>STAFF TRAINING.</u> Describe what it should cover and for whom.</p>	<p>Types of intervention, ranging from low key to use of force.</p> <p>Use of recognised trainer for staff.</p>	<ul style="list-style-type: none"> • School behaviour policy. • Defusion, distraction, negotiation. • Physical interventions, guiding, encouraging, comforting. • Interventions using force. • Time available and budget.

<p>11. <u>ASSESSING AND MANAGING RISK FOR PUPILS WHO PRESENT CHALLENGING BEHAVIOUR.</u></p> <p>12. <u>EXPLORING RISK REDUCTION OPTIONS.</u></p> <p>13. <u>DECIDING RISK MANAGEMENT MEASURES.</u></p> <p>14. <u>SHARING AND COMMUNICATING AN AGREED APPROACH.</u></p>	<p>See appendices 2,3,4,5,6 and 10 on these headings in the main document.</p>	<ul style="list-style-type: none"> • See appendices in main document.
--	--	--

9.10 APPENDIX 10: PROFORMA FOR ASSESSING AND MANAGING FORESEEABLE RISKS FOR CHILDREN WHO PRESENT CHALLENGING BEHAVIOURS

Name of child

Class group.....

Name of teacher.....

School.....

Identification of risk	
Describe the foreseeable risk	
Is the risk potential or actual?	
List who is affected by the risk.	
Assessment of risk	
In which situations does the risk usually occur?	
How likely is it that the risk will arise?	
If the risk arises, who is likely to be injured or hurt?	
What kinds of injuries or harm are likely to occur?	
How serious are the adverse outcomes?	

Assessment completed by:.....

Signature..... Date.....

Risk Reduction Options			
Measures	Possible options	Benefits	Drawbacks
Proactive interventions to prevent risk			
Early interventions to manage risk			
Reactive interventions to respond to adverse outcomes			

Agreed Behaviour Management Plan and school Risk Management Strategy		
Focus of measures	Measures to be employed	Level of risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		

Agreed by:.....Relationship to child.....

Date:.....

Communications of Behaviour Management Plan and School Risk Management Strategy		
Plans and strategies shared with	Communication method	Date actioned

Staff Training Issues		
Identified training needs	Training provided to meet needs	Date training completed

Evaluation of Risk Management Plan and School Risk Management Strategy		
Measures set out	Effectiveness in supporting the child	Impact on risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		
ACTIONS FOR THE FUTURE		

Plans and strategies evaluated by:

Relationship to child:

.....

.....

Date:.....

9.11 APPENDIX 11: REFERENCES

1. DfES Circular 10/98: Section 550A of the Education Act 1996: The use of force to control or restrain pupils.
2. DfES/DH Guidance document LEA/0242/2002. Guidance on the use of restrictive physical interventions for staff working with children and adults who display extreme behaviour in association with learning disability and/or autistic spectrum disorders.
3. DfES Guidance document LEA/0264/2003. Guidance on the use of restrictive physical interventions for pupils with severe behavioural difficulties.
4. BILD code of practice for trainers in the use of physical interventions. Published by BILD 2001.
5. Physical Interventions: A policy framework. Prepared by J Harris, D Allen, M Cornick, A Jefferson, R Mills. Published by BILD 1996.
6. Ethical approaches to physical interventions: Responding to challenging behaviour in people with intellectual disabilities. Edited by D Allen. Published by BILD 2002.
7. Physical interventions and the law. Professor Christina Lyon and Alexandra Pimor. Published by BILD 2004.
8. Education, the Law and you. NUT guidance. Published 2003.
9. NAS/UWT Negotiating Secretaries Advice and Guidance on the use of Reasonable Force and Restraint. Published 1998.