

GOWERTON SCHOOL



March 2017



ARTICLE 3: *Follow the School's rules to make sure that they do what's best for fellow pupils and members of staff*

ARTICLE 28: *Comply with the School's restorative discipline procedures as this protects everyone's human dignity*

Use of Restrictive Physical Intervention for the Management of Challenging Behaviour

Gowerton School has adopted the guidance presented in the following document for the use of Restrictive Physical Intervention and Management of Challenging Behaviour.

Incidents are recorded and monitored and presented to the Sites Sub Committee which in turn reports to the Full Governing Body.

*Policy for the Use of
Restrictive Physical Interventions for the
Management of Challenging Behaviour*

Contents

1. Introduction
2. Principles
3. Legal framework
4. Implications of Policy for restrictive intervention
5. Guidance regarding the use of reasonable force
 - 5.1 What is restrictive physical intervention?
 - 5.2 What is “reasonable force”?
 - 5.3 When is it appropriate to intervene physically?
 - 5.4 Should my establishment have a policy on the use of restrictive physical intervention?
 - 5.5 What should a school policy contain?
 - 5.6 How can planning help to avoid potential incidents?
 - 5.7 What about situations which arise off-site?
 - 5.8 How should incidents be recorded and who should be informed?
 - 5.9 Is there anything to do after the incident is over?
 - 5.10 How do we enable children and young people to make their views known?
 - 5.11 What should you do if there are complaints about an incident?
 - 5.12 How do we monitor and evaluate the implementation of this Policy?

1. Introduction

- This document is intended to give advice to all staff working within the education service and addresses the need to protect both children and staff in their daily contact with each other. It should be read in conjunction with
 - Welsh Office Circular 37/98 (The Use of Reasonable Force to Control and Restrain Pupils).
 - The WAG Guidance Note, *Framework for Restrictive Physical Intervention Policy and Practice* March 2005.
 - Code of Conduct for Employees whose work brings them into contact with Children and Young People.
- Evidence would suggest that avoiding physical interventions is the best practice.
- The authority recognises that there may be situations in which the behaviour of particular children necessitates some degree of physical intervention on the part of staff who care for and educate them. This document seeks to clarify the processes which should be followed by schools and other establishments in promoting good practice in the use of restrictive physical intervention.
- The authority recognises that as soon as a member of staff physically intervenes with a pupil, a number of possible consequences may follow. These will include a formal investigation if a complaint is made about an incident which gives rise to the use of physical intervention.
- Whilst some establishments will need to have much more detailed procedures and guidelines than others, because of the particular needs of the children whom they educate, the principles set out below apply to all.
- It is recommended that Governing Bodies adopt this policy for use within their schools.

2. Principles

It is recognised that there will be situations where preventative strategies have failed and where adults may need to intervene physically when the child places themselves and others at the risk of serious harm.

However, in these situations the following principles apply:

i) **Welfare**

- The welfare and best interests of children and staff should always be the paramount considerations when physical interventions are used. Staff have a responsibility to consider their own health and safety in such circumstances.
- The Authority actively discourages the use of physical intervention with pupils and recognises the spirit of the United Nations *Convention of the Rights of the Child*, and in particular Article 19 which requires that all appropriate measures be taken to protect the child from all forms of physical violence.
- It is unlawful for a teacher to use any degree of physical contact which is deliberately intended to punish a pupil or which is primarily intended to cause pain or injury or humiliation. That ban is absolute.

ii) **Duty of Care**

- The Authority accepts that a professional must exercise a duty of care towards a child or young person when physical interventions are used.
- Any use of physical force should be at the lowest possible level. In taking the decision to use physical force, staff should, as in other circumstances, exercise their best judgement, taking account of guidance provided by the Local Authority.

iii) **Early Intervention**

- All staff should be made aware of and should seek to use strategies which will avert the need to use physical interventions.
- The LEA's view is that any use of physical intervention to control or restrain pupils should be seen as a last resort when all other preventative strategies have been exhausted.
- The use of restrictive physical intervention, where possible, should take place following an individual assessment and planning process recorded as a Reactive Plan (Appendix 1).

iv) **Transparency**

- Children and parents/carers should have information regarding the possible use of restrictive physical intervention.

- Governing Bodies should ensure that schools have procedures and planned interventions based on a clearly defined policy.

v) Accountability

- Children and parents/carers should be informed about the complaints system and support made available from an advocate. This includes Looked After Children.
- All staff should be aware that in the event of a complaint about a physical intervention, the Authority will always undertake a formal investigation.
- Staff who comply with these guidelines in circumstances which require the use of reasonable force will have the support of the Authority.

3. Legal Framework

- Teachers and other staff working in educational establishments have a “*duty of care*”. In other words, they should take reasonable care to avoid acts or omissions which are likely to cause harm to another person. Judgements about what is or is not a “reasonable” course of action may be made with reference to the following:
 - the conduct of other practitioners with similar skills and responsibilities;
 - an appropriate body of expert opinion;
 - what is reasonable in the circumstances;
 - the foreseeable risk associated with a course of action (Dimond, 1995).
- Whilst most professionals are familiar with the general principles which ensure that they conduct their affairs within the law, the interpretation of specific incidents requires expert advice from a solicitor or barrister, and ultimately whether an action is “reasonable” or not may only be established by testing it in Court.

4. Implications of the Policy for the Use of Restrictive Physical Intervention

In light of the Duty of Care by a professional towards an individual when using restrictive physical intervention:

- A child or young person should be monitored and cared for throughout an incident.
- Autonomy commensurate with the child or young person's age and ability is returned to them as soon as it is safe to do so.

The Duty of Care extends beyond that of the professional to the child / young person to include staffs line management / employer who should:

- ensure clear policy and practice guidance is available;
 - provide appropriate training and supervision for staff;
 - ensure that any restrictive physical intervention policies and practice guidance safeguard against discrimination harassment and stereo-typing.
- Given the legal framework staff should follow the guidance provided.
 - Staff who act in accordance with the guidelines can expect to have support of the Authority.

5. Guidance regarding the use of restrictive physical intervention

5.1 What is restrictive physical intervention?

Restrictive physical intervention is defined as:-

“direct physical contact between persons where reasonable force is positively applied against resistance, either to restrict movement or mobility or to disengage from harmful behaviour displayed by an individual.” (Framework for Restrictive Intervention Policy and Practice, March 2005)

5.2 What is “reasonable force”?

- It is important to understand that there is no legal definition of “reasonable force”.
- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrants it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. For example, the use of physical force could not be justified to prevent a pupil from committing a trivial misdemeanour.
- 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 outcome.
- Whether it is reasonable to use force, and the degree of force that could reasonably be employed, may also depend on the age, understanding, physical maturity and gender of the pupils. Responding to particular situations can be very difficult. In doing so, the following will need to be considered:
 - will the use of force exacerbate the situation and result in the increased risk of injury to the teacher, the pupil or other pupils?
 - will it set a poor example for other children?
 - will it stress and/or distress the pupil or other pupils?and
 - if the child has previously suffered physical abuse, will physical intervention in the classroom revive these memories?

5.3 When is it appropriate to intervene physically?

- The use of physical intervention should be viewed very much as the final option. It is very important to ensure that all possible preventative steps have been taken to ensure that physical intervention is unnecessary.
- The use of restrictive physical intervention may be permissible when children and young people present challenging behaviour that places themselves and others at risk of serious harm.
- Professional judgement is key to informing the decision whether behaviour is likely to result in serious harm to the child, young person or others.

In exercising professional judgement members of staff will draw on:

- relevant experience;
- accredited knowledge;
- professional guidance, practice and standards;
- legislation and research.

5.4 Should my establishment have a policy on the use of restrictive physical intervention?

- Yes, it is a legal requirement. The local Authority recommends the adoption of this policy by Governing Bodies.

5.5 What should a school policy contain?

- A definition of restrictive physical intervention.
- What might be considered to be reasonable force?
- An outline of the legal framework.
- Which staff are authorised to use restrictive physical intervention and how they will be trained.
- How the policy will be disseminated.
- How responses to potential incidents are planned for.

- The exercising of professional judgement.
- Guidance on the recording and reporting of incidents.
- How staff, pupils and their parents/carers will be debriefed after incidents.
- How debriefing informs responses to future incidents.
- What happens if a complaint is made following an incident?
- How the policy will be reviewed.

5.6 How can planning help to avoid potential incidents?

- Ensure that all staff and parents are aware of the school's policy.
- Undertake a programme of training to ensure the policy is understood and can be implemented. It is recommended that any training undertaken is approved by the local Authority.
- Ensure that preventative strategies are in place informed by comprehensive risk assessment (Appendix 2).
- Ensure that all staff know how they can summon additional appropriate support.
- Ensure that all relevant information, including information about individual pupils or circumstances, is made available to staff.
- Ensure that all staff consider individual needs and circumstances in planning their interactions with pupils.

5.7 What about situations which arise off-site?

- Occasions during which pupil supervision by a member of staff occurs off-site are wide-ranging and varied. The same guidelines regarding the use of restrictive physical intervention will still apply, though.

5.8 How should incidents be recorded and who should be informed?

- Given that the circumstances are critical in determining what is a “reasonable” application of physical force, it is extremely important to record all aspects of an incident accurately and promptly. In all circumstances, therefore, the suggested Incident Form (see Appendix 3) should be completed.
- If restrictive physical intervention has been used, then the following actions should be taken:
 - a verbal report should be made immediately to senior management within the school or establishment. In the case of a Headteacher, a report should be made to the Manager of the Pupil and Governor Unit at County Hall;
 - as soon as possible afterwards, the incident must be recorded in detail. This record should include such information as: *antecedents to the incident, what actually happened, a description of the way in which restrictive physical intervention was used, witnesses, outcomes, who was informed and other actions taken*. A suggested *Record of Incident* form is appended to this policy. This record should be handed to the Headteacher as soon as possible after the incident has occurred, and a copy forwarded to the Manager of the School and Governor Unit at County Hall in all cases.
 - in cases where there has been violence towards staff, an HS3 (Violence to Staff – Verbal Abuse, Physical Injury) form should also be completed and forwarded to the nominated Health and Safety Officer for the Directorate. In these cases, a copy of the *Record of Incident* form should also be appended;
 - the parents/carers of pupils involved should be informed on the same day, preferably in person but if this is not possible by telephone, or failing all else, by letter.

5.9 Is there anything to do after the incident is over?

- The Headteacher or senior member of staff on duty at the time should offer immediate support to those involved in the incident. The incident should then be recorded. Thereafter, supported “debriefing” should take place in all cases.
- A full debriefing should be held with the pupil to include his/her perception of the circumstances leading up to the incident and the incident itself.
- Further support to pupils may include seeking help from other agencies, such as the Education Psychology Team, Social Services or the Child and Family Clinic, as appropriate.
- Senior staff who undertake debriefing and support should recognise the involvement in an incident involving restrictive physical interventions may prove very distressing for many staff and may have considerable consequences for their self-confidence and emotional well-being.
- In some circumstances it may be appropriate to offer further follow-up sessions to staff for planning and developmental work or to provide emotional or personal support.
- Any lessons emerging from debriefing should be incorporated into planning for dealing with possible future incidents.
- Further planning with pupils and their parents/carers may be necessary, particularly if the pupil has been out of school following an incident.

5.10 How do we enable children and young people to make their views known?

- Children and young people should be provided with clear information about how to make their views known, how to complain and how to access the services of an advocate

5.11 What should you do if there are complaints about an incident?

- Any complaint, whether verbal or written, which is received by the Head teacher or member of the Education Department staff about the use of any physical restraint or contact (however apparently slight) should be referred immediately to the Manager of the Pupil and Governor Unit (County Hall), before further action is taken.

- The Manager of the School and Governor Unit will consult with the Social Services Department. As a result of this consultation, there will either be an investigation by the police and Social Services under the local Child Protection procedures or by the school or establishment under staff disciplinary procedures.
- For further guidance, see the *Guideline on Practice and Procedure for Teachers/Head teachers/Non-teaching Staff facing an allegation of Physical/Sexual Abuse* and the Authority's *Staff Disciplinary Procedures*.
- The Manager of the School and Governor Unit will provide advice on the procedures to be followed.

5.12 How do we monitor and evaluate the Implementation of this Policy?

- Collated information regarding incidents and complaints will be used to monitor and evaluate compliance.

Drafting and consultation process

This policy was drawn up, building on the previous policy for the use of Reasonable Force to control or restrain pupils.

This document was presented to Headteacher Consultative groups and the Behaviour Support Plan Implementation group in???.2006 being agreed in Cabinet in???. 2006.

Appendix 1

Reactive Plan

Coping when pupils are/or at risk of becoming physically aggressive

This Plan has been generated by staff who work with this pupil. It has been shared with parents/carers and the pupil.

Name of Pupil: _____

School: _____

DOB: _____

Brief Background (to include relevant medical conditions or learning difficulties)

Key Difficulties:

Triggers

(What has been identified that provokes physically aggressive behaviour?)

Cues

(How do we know that this pupil might be about to lose their temper eg. physical change in appearance that might include pallor, facial tension etc)

Team Response

(Describe actions to be taken by staff/team)

Signatures:

Pupil: _____

Parent/Carer: _____

Headteacher: _____

Appendix 2

Guidance on Risk Assessment

Introduction

Controlling risk is at the heart of health and safety management and requires an understanding of how things can go wrong and what precautions are needed. There is also general duty for schools to assess the risk of injury from challenging behaviour.

The following provides a general framework for carrying out a risk assessment on a pupil/pupil(s) who present challenging behaviour.

Steps to Risk Assessment

The following steps are usually given for carrying out a risk assessment:

- Look for the hazards – a hazard is something that has the potential to cause harm – including the challenging behaviour of pupils. It is important to separate the challenging behaviour as the hazard from the pupil who **is not** the hazard.
- Decide who may be harmed and how.
- Evaluate the risk ie: **the probability that someone may be hurt by the hazard and the possible severity of any injury.**
- Decide whether existing precautions are adequate or more should be done.
- Record your findings and tell staff about them.
- Review your assessment from time to time and revise it if necessary.

Schools may want to consider carrying out a two staged approach to assessing the risks posed by challenging behaviour. Firstly, a general risk assessment could be undertaken which will identify potential generic areas for concern such as the difficulty in raising the alarm due to the location of a classroom. A general risk assessment form may be used for this purpose.

Secondly, for each pupil that is identified as having challenging behaviours (for whatever reason) you should consider:-

1. Who or what may be harmed and in what way?
2. The triggers that are likely to result in the challenging behaviour. For example, the pupil's response to frustration, boredom, excessive noise, change in routine etc.

3. What cues staff can use to predict when challenging behaviour is likely to occur?

You should look carefully at the triggers and cues and detail what preventative measures you have in place to manage the behaviours identified such as working in a particular way, identifying named staff, providing a controlled environment etc.

Evaluate the risk by checking the existing arrangements and deciding whether these are sufficient to control the risk. Using the **Risk Assessment Proforma (RA1) and Key to Risk Evaluation Guide** attached you should decide whether the risk from the individual, is **HIGH, MEDIUM, LOW or UNACCEPTABLE**, taking into account the preventative measures you have already identified. A completed RA1 form is attached as an example.

The principle of early and preventative intervention suggests you should put in place arrangements, where possible, that reduce the likelihood of the challenging behaviour occurring in the first place such as increasing lighting, decreasing noise levels, increasing staff training and instruction, changing working methods, increasing staff ratios, reducing class numbers, changing work patterns, adjusting the curriculum etc.

Where, despite precautions, a risk level of violence and aggression from the pupil remains, the actions to be taken in the event that the pupil becomes violent or aggressive should be detailed. These could include clarifying methods of summoning help and the appropriate level and methods of physical intervention. These findings, precautions and control measures should be detailed on the RAI form.

The risk assessment form should then be attached to any Reactive Plan, Individual Behaviour Plan (IBP) or Pastoral Support Plan (PSP) documentation.

Ensure that the process is reviewed as necessary either in response to any changes identified or as part of a more general review.

Between assessments it is essential that a vigorous monitoring system is in place. Staff should complete incident forms and ensure these are fed back into the review of the risk assessment (See Appendix 2 – **Incident Reporting and Investigation**). If changes in risk are identified then staff should complete a new RAI, keeping the old RAI as a record of monitoring and review.

RAI



CITY AND COUNTY OF SWANSEA

Education Department – RISK ASSESSMENT PROFORMA

Activity:		Location:	
Date/s:	Compiled by:		Ref:
Context and History:			

Hazard Identified	What/What is at risk	(a) Severity	(b) Probability	(a x b) Risk Rating

--	--	--	--	--

Education – Risk Assessment Proforma

CONTROLS

1.
2.
3.
4.
5.
6.
7.
8.

Date:	Signed:	Review:
-------	---------	---------

Key to Risk Rating

Severity	
Key	Description
1	Negligible
2	Minor Injuries
3	Major Injuries
4	Fatality

Probability	
Key	Description
1	Improbable
2	Possible
3	Probable
4	Very Likely

Risk Rating	
Score	Description
1 – 4	Low Risk – the possibility and nature of an accident occurring are not substantially different to those encountered in every day life.
5 – 8	Medium Risk – the hazards encountered are outside the groups' experience but by adopting principles of safe practice should bring them to an acceptable level.
9 – 11	High Risk – the hazards encountered are either extreme or very much beyond the every day experience of the group. The repercussions of an accident could lead to serious consequences.
12 - 16	Unacceptable Risk – the hazards encountered are far beyond the experience of the group and the Party Leader.

Appendix 3

Reporting, Recording and Investigation of incidents of Violence and Aggression

Records must be maintained at school level of all accidents and serious incidents that occur within the school. Whilst it is essential that certain violent incidents are reported to the LEA it is recommended that all incidents of violence and aggression are documented. This will help you to assess the risks and identify any activities involving greater than average risk. Simple records of minor incidents can help you detect changing patterns of behaviour. These may help predict and so help prevent problems in the future.

It is important that staff report all incidents. However, not all need to be forwarded to the LEA.

A record of all incidents should be maintained at the school but instances of:

- assault or verbal abuse of a member of staff, visitor or contractor which results in significant harm either physical or mental;
- full physical interventions;
- assault that is malicious and intentional;
- a significant pattern of behaviour for that pupil which is proving difficult to manage

should be reported to the LEA using a HS3 form

Investigation

It is essential that incidents of violence and aggression are investigated. Investigations can provide useful information with which to assess how successful particular measures have been, whether they need to be reviewed or whether new measures need to be introduced.

The incident should be compared to the risk assessment currently in place for that individual. The following questions should be asked:

- Does the incident reflect a new or changed trigger?
- Were the preventative plans identified suitable in this instance, if not why?
- Was the control measure adopted effective, in line with the risk assessment or does a new alternative strategy need to be developed?
- Was the plan/risk assessment followed?

A review of the original risk assessment may need to be completed to reflect any changes identified.

Monitoring

You should ensure that appropriate systems are in place at the school to identify the severity of any incident, as well as any patterns or trends.

At LEA level, levels of violence and aggression will be routinely monitored by the collection, recording and analysis of HS3 forms (see attached Guidance).

However, the school is also expected to have a system in place to analyse data collated on incidents

It is suggested as well as the HS3 form an incident book is kept which notes:

1. Member/s of staff involved in each incident.
2. Location the incident took place.
3. Pupils who were involved.
4. Others who were involved such as parents, visitors/contractors, others
5. Type of incident:
 - a) Physical assaults on:

- Staff	- Teaching
- Pupils	- Non-Teaching
- Others	- Parents
	- Contractors
	- Visitors.
 - b) Verbal Abuse.
 - c) Throwing objects as missiles.
 - d) Damaging Property.
 - e) Fire Setting.
 - f) Other.
6. Contextual information such as an ABC analysis of incident (Antecedents Behaviour Consequences) ie: what happened leading up to the incident, what happened during and what happened after.

A proforma for recording this information is attached.

Regular analysis of this information should quantify the nature of the incidents and who was involved. This will help highlight areas of concern and action such as:

- Location/activity hot spots.
- High risk pupils or groups of pupils.
- High risk parents/carers.
- Other people who maybe at risk or pose a risk.
- Categories of staff and individual staff who are at high risk.

Schools and other services should also produce an annual report on the data which will help identify:

- The numbers of incidents recorded over time (to indicate trends and to highlight whether or not prevention programmes in place are successful).
- The numbers of incidents for particular categories of staff.
- The number of incidents of a particular category such as physical assault or verbal abuse.
- Changes in the severity of particular incidents.
- Preventative measures already in place.
- An Action Plan to detail the action required as a result of the year's analysis.

**VIOLENCE AND AGGRESSION
INCIDENT RECORDING PROPFORMA**

Incident Date	Staff Involved	Location of Incident	Pupil(s) Involved	Others – (visitors, contractors, parents/carers)	Type of Incident	Contextual Information

POLICY NAME: Restrictive Physical Intervention Policy

REVIEWED BY: Behaviour & Wellbeing Working Party

DATE REVIEWED: 14/03/17

DATE TO FGB: 05/04/17

SIGNED: Debbie Lloyd

PRINT NAME: Mrs Debbie Lloyd (Chair of Governors)

DATE NEXT DUE TO BE REVIEWED March 2018