

ST. DAVID'S HIGH SCHOOL

Restrictive Physical Intervention Policy

**Reviewed by Governors
October 2023**



Restrictive Physical Intervention Policy

Challenging Behaviour and the use of Restrictive Physical Intervention

Introduction

These notes and guidance are for managers and staff working in education. They should be read in conjunction with 'Framework for Restrictive Physical Intervention Policy and Practice' from the Welsh Assembly Government, March 2005 and Flintshire's Behaviour Support Plan.

Schools and Pupil Referral Units must have a policy for managing difficult and challenging behaviour including the use of Restrictive Physical Intervention. This policy must be communicated to the whole school community.

The most effective way to manage challenging behaviour is to use whole school approaches to Positive Behaviour Management, and schools' Behaviour Policies, to provide preventative strategies, before there is a need to use Restrictive Physical Intervention. (A brief guide to de-escalation techniques is given in Annex A)

Values and Principles

The management of challenging behaviour is a difficult and sensitive aspect of work with pupils. This notes / guidance give paramount importance to the human and legal rights of pupils. They move from least to more interventionist alternatives and emphasise prevention over intervention.

Definitions

The term **Restrictive Physical Intervention** is defined in the WAG Framework 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.'

Challenging behaviour describes behaviour of such frequency, duration or intensity that the safety of the person or others is placed in jeopardy.

Corporal punishment (abolished for all pupils in maintained schools by section 248 of the Education Act 1996) means the intentional application of force as a punishment. This includes all forms of physical chastisement intended as punishment such as caning, slapping, punching, pushing, prodding, throwing missiles and any other such forms of rough handling.

Reasonable force.

The appropriateness of the physical intervention must always be related to the age, maturity, understanding and capacity of the individual. Appropriateness will also be dependent on the risk factors associated with the individual, the staff and other individuals within the vicinity.

There is no legal definition of reasonable force, but three criteria are established for guidance:

- if the circumstances of the particular incident warrant it;
- where the degree of force is in proportion to the circumstances;
- where the action taken is reasonable in the context of the age, understanding and sex of the pupil.

Preventative Strategies

If a pupil is exhibiting difficult or challenging behaviour, the school's Behaviour Policy should give whole school guidelines on tackling the problem. Used in conjunction with Flintshire's Behaviour Support Plan and the support mechanisms available within the L.E.A., the vast majority of difficulties should be manageable without the need to resort to Physical Interventions.

Responsive Strategies

There are occasions when there is a need for immediate and direct interventions. For example: to prevent a pupil from running across a busy road or to prevent self-injury. The Welsh Assembly Government Framework states: 'Where emergency situations arise, the welfare, safety and health needs of both individuals and professionals need to be protected. Any action taken needs to be properly recorded for accountability and lesson learning purposes. The management of such situations must be open to scrutiny.'

For some pupils, who frequently display challenging behaviours, then the potential need for Reactive Physical Interventions can be planned for, and communicated, in a Pastoral Support Programme, ensuring that staff, pupils and parents / carers are aware of the potential use.

Circumstances justifying the use of Restrictive Physical Intervention

Reasonable force (see definition) can be used in the following circumstances:

- violence directed towards others;
- violence that arises from panic, distress or confusion;
- self-directed violence or self injury;
- where there is a developing risk of significant damage to property.
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Acceptable use of Restrictive Physical Intervention

Ideally this should only be used by staff that have had adequate and appropriate accredited training.

It is recognised that there may be situations where untrained staff need to act and use Restrictive Physical Intervention. Examples of this might be the use of:

- physically interposing between pupils;
- standing in the way of a pupil;
- holding, pushing or pulling;
- leading a pupil away from an incident by the hand or by gentle pressure on the centre of the back;

Forms of Restrictive Physical Intervention that must not be used are:

- holding face down on the ground;
- holding round the neck or any other hold that might restrict breathing;
- kicking, slapping or punching;
- forcing limbs against joints (e.g. arm locks);
- tripping or holding by the hair or ear;
- any technique reliant on pain, unless as a last resort;

Authorisation to use Restrictive Physical Intervention.

- Under the Education Act 1996, the Headteacher (or, in the case of pupil Referral Units the Behaviour Improvement Service Manager) may authorise all teachers in the school to use Restrictive Physical Intervention.
- Other people, authorised by the Headteacher, may use Restrictive Physical Intervention. This might include those who work regularly in the school as classroom assistants. Caution should be exercised in authorising anybody else to use Restrictive Physical Intervention. Authorisation can be on a long-term basis or for a specific time. Training and guidance should be provided for all those authorised to ensure that they are thoroughly conversant with their responsibilities. A list of people authorised should be kept by the Headteacher.

Actions following the use of Restrictive Physical Intervention.

- All incidents when Restrictive Physical Intervention is used must be recorded as soon as possible. The following information (as a minimum) must be detailed on an incident sheet or book together with written statements of witnesses:
 - names of pupils involved;
 - the time of the incident;
 - the place where the incident occurred;
 - the names of staff or other authorised adults involved.

- Where the incident has been prolonged, or where considerable force has been used, the following details must also be recorded. 'There must be a clear audit trail which is accessible to all involved, including pupils and their parents/carers and those agencies with a legal right to access such information.' (Welsh Assembly Government Framework)
 - names of all witnesses, pupils and adults;
 - signed witness statements;
 - the reason for force being used;
 - a description of the way in which the incident developed;
 - the pupil's response;
 - details of the outcomes of the incident including injuries and damage.

- A post incident de-brief should be held. This should include the pupil so that lessons can be learned by pupils and staff . Any such de-brief should be recorded. Pupils and their parents / carers 'must have clear information about how to make their views known, how to make a complaint and how to access the services of an advocate.' (Welsh Assembly Government Framework)
 The Young People's Partnership is developing guidance for young people on where and from whom they can receive support if they wish to make a complaint.

Investigating Complaints about the use of Restrictive Physical Intervention

Cases involving allegations, or suspicions, of abuse

In those cases where there is an allegation, or suspicion, that a member of staff has abused a child or young person, referral must be made to Children's Services/Police for investigation under the Child Protection Procedures.

In these cases, head teachers should avoid carrying out their own investigation into complaints, other than those essential to determine whether or not the matter should be dealt with under the Child Protection Procedures.

Cases that do not involve allegations, or suspicions, of abuse

In these cases, the Headteacher will need to ensure that all appropriate evidence is considered. If, having examined all the facts, the Headteacher is satisfied that there are no child protection concerns, s(he) must deal with the matter as part of the school's agreed policy on the use of Restrictive Physical Intervention.

If the Headteacher concludes that the course of action taken during the incident complied with the school's policies as approved by the governing body, and the local authority guidelines and directives, and that in the circumstances there was no other reasonable course of action

available, or no case to answer, then the following actions must be undertaken:

- notify the complainant of the outcome of the investigation;
- notify the pupil's parents or guardians, or responsible person or agency, of the outcome of the investigation;
- notify the Director, Education, Children's Services and Recreation and Chair of Governing Body;
- record the outcome of the investigation, sign the record of the incident, ensuring a copy is placed on the appropriate file;
- consider whether any disciplinary action is required against the member of staff or pupil involved. If so, this will be pursued in accordance with approved school policies on discipline and behaviour.

Complaints procedures

After an incident in a school, there is always the possibility of a formal complaint. A number of persons might feel aggrieved by the incident, whether they are pupils, parents, teachers, other employees, or even visitors to the school and members of the public. Any of these persons can lodge a complaint and expect it to be investigated diligently and fairly. As a precursor to such a possibility, head teachers should be aware of the need to review and monitor the reactions of all parties involved in an incident, and to consider the effects on current school policies, and have a total awareness and understanding of all aspects of the case.

Receiving and noting a complaint

The general complaints procedure adopted by the governing body must always be followed and it must include the following elements:

- A pupil wishing to complain should be treated courteously and without prejudice and be requested to write the complaint in his or her own words. In the event that the pupil has difficulty with writing, or cannot write fluently, or where English is not the first language, a member of staff not involved in the incident should record the complaint, verify and read through with the pupil, and ask the pupil to sign and date the report where possible.
- If a complaint is received which alleges some form of abuse or injury, whether inflicted during the use of Restrictive Physical Intervention or not, the Headteacher or designated person must record the complaint in writing. This recorded information must include where and when the incident occurred and include as much detail of the alleged injuries or abuse as possible. At this point, it is important that the Headteacher confirms to the complainant that

the matter will be dealt with in line with the Child Protection Procedures, which will require referral to Children's Services and the police.

Children Looked After

The Welsh Assembly Government Framework gives the following guidance.

'Any child looked after should have relevant information around the possible use of restrictive physical intervention made available to them as well as information about the complaints system and the support available from an advocate.

Following any incident of restrictive physical intervention for a looked after child in a residential establishment or foster care placement, that child's field worker must be informed. The field or key worker should be part of any de-brief or discussion around the management of the child's behaviour.

If restrictive physical intervention has been used, it should be discussed during any statutory review process when considering if a placement is able to meet a child's needs and this discussion should be reflected in the child's care plan. There should be a clear written record of these events in the social work file in accordance with the authorities recording procedures.'

Training in the use of Restrictive Physical Intervention

Currently Flintshire are employing the expertise of a trainer from a neighbouring L.E.A. The training provided is fully accredited and emphasizes the use of de-escalation techniques before resorting to the use of Restrictive Physical Intervention.

It would be impractical to train all staff within a school in the use of Restrictive Physical Intervention techniques. Schools might consider a risk assessment to guide them as to the number of staff it would be practical to train within their school.

Schools who wish to consider formal training for staff in the use of Restrictive Physical Intervention should contact Trevor Payne or Ray Davies at the L.E.A..

Training in the use of de-escalation techniques can be provided by the Inclusion service through the Behaviour Support Service and the Educational Psychology Service.

ANNEX A A brief guide to de-escalation techniques.

These notes are intended as a minimum introduction to the use of de-escalation techniques and conflict resolution. As such they are neither definitive nor exhaustive.

Training in de-escalation techniques is much more preferable and is available via Flintshire's Behaviour Support Service and Educational Psychology Service and there is much literature making reference to de-escalation techniques.

Planning for behaviour

In the school setting things that might help to avoid challenging behaviour include:

- Adhering to the school's Behaviour Policy
- Using Positive Behaviour Management
- Adjusting the environment (Seating arrangements etc)
- Adjusting teaching style
- Modifying curriculum delivery

Defusing a challenging situation

Sometimes challenging situations can develop despite efforts to avoid them. When this happens staff must aim to do as much as possible to bring the situation under control as quickly and quietly as possible. Every attempt must be made to defuse a developing situation, responding early may avoid the need to use Restrictive Physical Intervention.

The following are suggestions for defusing a challenging situation. They are by necessity broad generalisations. The list is not exhaustive and there will always be an exception to the rule. There is no substitute for knowing a person well and what works for them. Some of the strategies suggested stand alone, others work better in combination. Mostly they involve the control of our own behaviour.

Remember that everyone involved will be in a heightened state of arousal. Obvious changes such as increased heart rate and muscle tension are likely to be accompanied by less obvious changes, e.g. facial expression, eye contact, quickening of the reflexes. While perfectly natural, these responses do not always support a speedy diffusion of a challenging situation.

When in a challenging situation staff should make every attempt to appear calm and confident, to show self-control and control of the situation. Whether this is genuine matters less than the impression created. However, care needs to be taken to avoid appearing arrogant, challenging, aggressive or confrontational, The child or young person's self-esteem and dignity should be considered at all times.

Hesitation and sudden movements should be avoided; movement needs to be slow and purposeful.

Allow the pupil to save face by giving them an escape route. Token concessions can work, admit they have a point.

Personal boundaries of approximately one to three metres should be respected, unless approaching the person seems helpful.

Speech and other forms of communication should remain as normal as possible i.e. quiet and clear.

Aggressive or overtly defensive postures should be avoided.

Avoid excessive eye contact and remember that the pupil may not want to engage in eye contact – do not make this an issue.

Nervous laughter should be avoided. Never suggest anger or disgust. A neutral or empathic facial expression is safest.

Take the discussion with the pupil to somewhere away from the peer group, but not away from a third party otherwise you may be vulnerable.

Deferring potential discipline and having time out to reflect can help to defuse situations.