

APPENDIX 1

DRAFT

Restrictive Physical Intervention in Educational Establishments - LEA Guidance and Policy.

Throughout this document; Restrictive Physical Intervention/ restraint is denoted as RPI.

1. Introduction.

This section hopes to address what constitutes physical intervention, and the circumstances where restrictive physical intervention (RPI) may be used as the ‘last resort’.

Whilst the majority of pupils in Darlington conform to the expectations of normal behaviour everyday, the Local Education Authority (LEA) recognises that in certain circumstances the use of restrictive physical intervention (RPI) by teachers or other authorised education staff will be necessary. Staff can be ‘authorised’ to use RPI by Headteachers and Principals, consultation with the Governing Bodies may be necessary.

For this reason education staff need clear guidelines from the LEA, their Governing bodies and from Headteachers. This policy provides a framework of principals, guidance and advice within which educational establishments can operate, and then take steps to develop their own policies and guidance.

Physical intervention can be defined as those strategies which allows for consideration to be given to a range of ‘physical’ and ‘intervention’ techniques and approaches, ranging from a physical presence, physical diversion to full restrictive physical intervention.

RPI should not be considered in isolation, but in the context of agreed management policies, in particular those relating to behaviour, bullying, Child Protection and dealing with potentially violent or threatening situations.

**The LEA acknowledges the difference between restrictive forms of intervention, which are designed to prevent movement or mobility or to disengage from dangerous or harmful physical contact, and non-restrictive methods to manage behaviour.
DfES guidance- September 2003.**

“The use of restrictive physical interventions should always be considered within the wider context of other measures. These include establishing and maintaining good relationships with children and using diversion, defusion and negotiation to respond to difficult situations.”

It is recognised that there are certain circumstances in which RPI may have to be used by education staff;

- **Where there is concern that the pupil in question is likely to cause injury to him/herself, or others, or serious damage to property;**
- **Where the pupil in question is a significant threat to the establishment or to the maintenance of a safe and secure learning environment;**
- **Where a range of de-escalation strategies has been applied and has failed to resolve the situation.**

2.Key Principals.

In this section the importance of considering RPI in relation to other policies is emphasised.

Managers should not require staff to work in isolated situations with young people whose behaviour is such that the likelihood of confrontation is increased.

When using RPI staff will need to be mindful of allegations that may be made against them. Education staff are vulnerable to allegations of child abuse if they apply any form of physical control. Equally they are open to accusation of a failure of duty of care if they do not intervene to apply physical control and a child suffers as a result.

Where a pupil has a sensory or physical disability or a learning difficulty particular care will be required to ensure that the pupil understands what is happening and to ensure that actions are not discriminatory.

Where confrontations arise and cannot be avoided; the emphasis should be on de-escalation. De-escalation allows opportunities for calm to return before attempting to deal with the issue. A number of skills have been found to be helpful in defusing or de-escalating situations; some of these are explained in **section 7 'Restrictive Physical Intervention in Practice'**.

The use of RPI should be the last resort and members of staff have a responsibility in justifying that means other than force had been attempted and were proving impractical.

3. Legal Background.

This section looks at the legalities in using reasonable force.

The ‘ Restrictive Physical Intervention’ policy is guided by the framework offered in DfEE circular 10/98, DfES/ DOH (2002) ‘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’ and DfES (2003) ‘Guidance on the Use of Restrictive Interventions for Pupils with Severe Behavioural Difficulties.’

The appropriate use of RPI should not be confused with corporal punishment, which has been illegal in maintained schools for many years. Restrictive physical intervention may only be used in very limited circumstances. The principal basis for staff needing to intervene physically is the immediate necessity **to prevent injury to any person or serious damage to property.**

DfEE circular 10/98 indicates that it may be reasonable to use force

“Where a pupil is committing a criminal offence... (or) ...is behaving in a way that is compromising good order and discipline.” (para. 14©).

In such a case it would be necessary to show that the situation could not be resolved without the use of force and that the force used was reasonable. Staff are expected to exercise good care and control. A young person may be physically restrained, or a staff member or other person may protect themselves only to the extent of using the minimum degree of force that is needed in the circumstance to affect the restraint.

Employers have a duty to their employees and others using their premises under the Health and Safety at Work Act 1974. Employers have a duty of care to their employees and staff have a duty of care to pupils. In some cases, unreasonable use of restrictive physical intervention against a pupil may lead to criminal charges against a member of staff. **If a member of staff can show that the use of RPI was appropriate in all the circumstances that will be a defence to any claim for damages or criminal charges.**

Detailed guidance cannot be provided for every incident. If individuals find themselves in this situation they must use their professional judgment in deciding the best action.

4 Responsibilities

Pupils are responsible (if they have the understanding) for:
▪ Contributing to the establishment of a safe working environment.
▪ Behaving in a manner, which will not instigate the use of RPI.
▪ Responding to adults' efforts of de-escalation and trying to resolve the situation amicably.

Parents and carers are responsible for:
▪ Ensuring they support the establishment of a safe working environment.
▪ Supporting the educational establishments in their attempts to resolve difficult situations.
▪ Supporting relevant policies.
▪ Acting as good positive role models and encouraging children to behave appropriately.

Education staff (teaching and non-teaching) are responsible for:
▪ Implementing, communicating, monitoring, evaluating and reviewing their policy.
▪ Clearly monitoring and recording incidents of RPI. Reporting these incidents to the LEA.
▪ Ensuring that the use of RPI is appropriate, and that every other opportunity has been used to resolve the situation.
▪ Reporting, where appropriate, incidents through the Child Protection procedures.
▪ Ensuring that they contribute to the creation of a safe working environment for all.

Governors are responsible for:
▪ Making appropriate resources available for the policy to be fully implemented.
▪ Ensuring that their policy reflects the principals and practices of the LEA policy, and that the policy is implemented, communicated, monitored, evaluated and reviewed.
▪ Ensuring that they contribute to the creation of a safe working environment for all.

The LEA is responsible for:
▪ Providing support, guidance, advice and information to education staff.
▪ Developing, communicating, monitoring, evaluating and reviewing of policy.
▪ Facilitating training opportunities.
▪ Monitoring information received from educational establishments.
▪ Liaising with Social Services to address related Child Protection issues; and to communicate with relevant parties (pupils, parents/ carers, educational establishments, Governors and others.)

5 Entitlements.

Pupils are entitled to:
▪ A safe, secure and non-oppressive working environment.
▪ Be aware of the policy and how it relates to them.
▪ Be treated with respect and dignity, regardless of race, religion, gender, age and special educational needs.
▪ Know that the policies (LEA and educational establishments) will be properly implemented and supported by the staff, Governors and LEA.
▪ Have their feelings, views and needs considered by education staff, Governors and the LEA.

Parents and carers are entitled to:
▪ Know the individual educational establishments' policy and arrangements on RPI.
▪ Be informed about incidents, which have involved their child and be involved (where appropriate).
▪ Know that their child will experience a safe and secure working environment.

Education staff (including teaching and non-teaching) are entitled to:
▪ Safe, secure and non-oppressive working environments.
▪ Policy and guidance from the LEA to advise them.
▪ Be trained (where policies permit) in RPI.
▪ Be supported by senior staff where incidents occur.
▪ Be treated with respect and dignity.
▪ Be aware of policies on RPI issues and of the establishment's arrangements. Support from pupils, Governors, parents/ carers and the LEA in implementing their policies.

Governors are entitled to:
▪ Policy and guidance from the LEA to advise them.
▪ Be informed, where appropriate, about the use of RPI strategies whilst protecting the confidentiality of individuals, pupils and staff.
▪ Support from the LEA, parents or carers and staff in implementing their policies.

The LEA is entitled to:
▪ Know that all establishments will have clear physical intervention policies, which reflect the LEA policy and guidance.
▪ Support from staff, Governors and parents and carers in implementing the restrictive physical intervention policy.
▪ Information from educational establishments about RPI incidents.

6. Prevention.

This section discusses preventative strategies that will need to be considered.

The DfES/DOH Guidance 2002 recognises the need to recognise the early stages of a behavioural sequence that is likely to result in violence or aggression and employ defusion techniques to avert further escalation.

For some young people behaving in a dangerous fashion is a regular response to certain situations. Schools should anticipate this possibility and have in place plans and policies, which should guide practice.

Such plans will need to identify:

- **Potential risks;**
- **Options for responding to these challenges including techniques for de-escalation;**
- **Advice for staff on how to respond when behaviour becomes dangerous.**

Planned responses should form part of the Individual Education Plan/ Pastoral Support Programme/ Behaviour Management Plan.

Individual members of staff should make every effort to avoid confrontation, particularly where RPI is thought a possible outcome. Staff faced with a potentially violent situation should remain calm, confident and objective; talking and listening, methods of non-physical communication should be the first line of approach.

A determined adult can usually avoid confrontation: remaining calm and allowing space, restating expectations and giving choices. Adults have many more skills than children or young people and should have the confidence to use them.

De-escalation, once an incident has begun, requires the deliberate reduction of tension. This may be achieved by breaking eye contact, sitting down or moving away. Schools may feel that it is worth designating a space for the de-escalation of conflicts; such spaces are often used as 'time out' rooms, allowing all parties a non-threatening opportunity to gain self-control before attempting reconciliation. For some pupils access to such facilities can provide a vital 'safety valve'; again such a short or long-term arrangement should be described within the pupil's Individual Education Plan or Pastoral Support Programme.

7 Restrictive Physical Intervention in Practice.

Avoiding confrontation.

Avoiding confrontation. Recognise at earliest stage.
Do
▪ Intervene early.
▪ Appear calm and confident.
▪ Get close and talk quietly.
▪ Avoid an audience.
▪ Restate expectations. Make reasonable expectations/ aims explicit.
▪ Offer choices.
▪ Allow time and space.
▪ Get someone else to take over if you think it's personal or more than you can manage.
▪ Body language needs to be open and positive.
Don't
▪ Shout.
▪ Appear angry.
▪ Ask 'open' questions e.g. Why? Or are you?
▪ Make promises you cannot fulfil.
▪ Make personal comments.
▪ Back the pupil into a corner- literally or metaphorically.
▪ Imprison the child. Block their exit- unless in exceptional circumstances. Take into account- age, maturity and ability. Generally inappropriate to chase children.

It is important to remember that most adults have the skills/ experience/ self-confidence in inter-personal transactions. However many young people have not developed these skills- in particular those who are most likely to become involved in confrontation with staff.

There are many alternatives approaches, adults should try a range of responses and develop what seems comfortable to them. As a general rule shouting, unless it is to draw attention (e.g. to stop a young person who is about to do something which is unintentionally dangerous) is likely to be ineffective in avoiding or de-escalating conflict. Maintaining a calm manner whilst making clear that the pupil is behaving in an unacceptable manner is more likely to lead to a peaceful resolution than shouting and other signs of anger.

De-escalation.

Do
Sit down.
Break eye contact.
Divert the focus (e.g. by humour- not sarcasm- by suggesting a different activity, even work!)
Encourage, talk and be prepared to listen.
Be prepared to lose face.
Don't
Take anfr comments personally.
'Invade' personal space.
Insist on 'getting your own way'.

De-escalation strategies may include sitting down rather than standing over a pupil, inviting the pupil to sit down themselves, or walking away to the other side of the room. It is advisable, wherever possible, to depersonalise interactions. Taking a step back from the immediate situation and being able to disassociate from personal comments, viewing them instead as general expressions of anger and frustration, can be a helpful approach to adopt.

Staff should use the minimum force required to control aggression and should apply it in a manner which attempts to prevent rather than provoke further aggressive reaction.

RPI must not be applied any longer than necessary and the adult should continue attempting to calm him/her down and making clear that restraint will cease when it appears safe to do so. The following are examples of what **would not** be regarded as acceptable,

- **Striking, slapping or kicking a young person;**
- **Pulling a young person's hair or ear;**
- **Squeezing or holding a young person's neck;**
- **Shaking a young person;**
- **Lifting a young person off the ground to intimidate him/her;**
- **Forcing a young person's arm up behind his/her back;**
- **Holding a young person's face down on the ground;**
- **Any action leading to actual injury to the young person.**

Faced alone with a potentially violent situation an individual member of staff should not attempt physical intervention before adequate assistance has been obtained unless it is obviously essential to intervene. The number of staff involved should be the minimum necessary to restrain the child while minimising injury to all parties.

A member of staff who is physically attacked must use the appropriate means available for self-defence; this will be a matter for personal judgment. If it is possible the member of staff should remove themselves from the immediate vicinity, or from the attacker, without putting at risk the other young persons or adults.

Staff should consider seeking medical assistance in dealing with incidents:

- Where the physical health, prolonged hyper-activity or state of shock of any person involved suggests the need for medical examination, treatment or re-adjustment of existing medication;
- Where breathing patterns change during, or immediately afterwards, particularly if the person concerned uses an inhaler;
- Where there is evidence of physical injury.

8. Recording and follow-up.

DfEE circular 10/98, para 29 states that educational establishments should keep an up-to-date record of all incidents involving RPI, it is therefore important to establish a system of logging all incidents of restraint detailing:

- The day and time
- The description of the restraint
- Who was involved
- The brief reasons as to why the young person to be restrained.

Following the use of RPI the Support Officer for Child Protection should be informed immediately via telephone, after all necessary actions have been completed e.g. attending to medical injury.

Contact numbers; 01325 388838/ 07968 381540.

A copy of the incident forms should be completed and sent to: Schools Support Officer for Child Protection, Pupil Support Services, Town Hall, Darlington. DL1 5QT. Or alternatively they can be faxed via 01325 388032. When the Support Officer has received the form an acknowledgment will be sent to the school.

Reminder; RPI is when either movement or mobility has been prevented to disengage the child or young person from dangerous or harmful physical contact.

Schools should ensure that a full account of the incident is provided to the young person's parents/ carers at the earliest opportunity, if possible before the young person leaves the school. In the first instance this might involve a telephone call but would preferably involve a personal meeting and should be followed up by written notification of the incident and the subsequent actions taken and the information that school procedures were followed.

Whenever an incident involving RPI occurs, all staff and young people involved should be offered an appropriate de-briefing from someone not involved in the incident. This de-briefing/ support should be offered as soon as possible afterwards. Further opportunities for support may be offered at a suitable time when the heightened emotions aroused during the incident have reduced. Schools will need to consider appropriate recovery times for those involved and the possibility of the need for continuing support/ counselling should be considered. For pupils this would be through the School's Counselling Service and for staff through Human Resources.

After the event staff should discuss with their managers whether to involve the Police, where for examples threats of later violence and/ or damage to property have been made. However, care should be taken not to prolong or exacerbate difficulties by over-responding to threats issued at a time of heightened tension.

Each incident should result in a reflection on implications for future training, policy development and implementation, it is vital that in viewing the incidents in this way that a non-judgemental approach is taken, the incident should be a learning experience which impacts on the practice, procedures and policy of the school.

Schools will be able to access appropriate training via the cluster groups which are to be arranged via the Support Officer for Child Protection. Training will be able to focus on individual school's needs, as well as clusters of schools. The sessions will focus on the aims of

this guidance where de-escalation strategies will be discussed alongside procedures following RPI.