



Burstow Park School

Touch and the use of restrictive physical intervention at Burstow Park School

Introduction

Our vision is that all children and young people should feel happy, healthy and safe in Burstow Park School. Surrey County Council and others entrust us to provide safe, secure environments in which children and young people feel cared for and in which staff feel effectively supported. We aim to promote independence, choice and inclusion and to establish an environment that enables children and young people to have maximum opportunity for personal growth and emotional wellbeing.

Consistency of approach in supporting children and young people to regulate their emotions and to manage their own behaviour is important, both to uphold the child's right to dignity and self-respect, as well as to ensure that staff across a range of agencies feel confident in supporting children and young people effectively. This guidance is issued to ensure that staff in our school adopt consistent practices in the use of positive behaviour support, physical contact and restrictive physical interventions, based upon a common set of principles.

It is important for all parties to understand when, where, and how physical contact may be appropriate. Everyone in school – adults and children - have a right to be treated with respect, care and dignity at all times, including when they are behaving in ways that may be harmful to themselves or others. It is essential for all staff be trained in positive techniques to help a child or young person to manage their own anxieties, thereby reducing the need to use a restrictive physical intervention. If working in a situation where physical intervention may be required, staff also need appropriate accredited training.

This guidance is provided to allow staff to act confidently, appropriately and in a safe

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manner, bringing benefits to children and young people, their families and all staff who work with them.

Any misconception that physical contact between responsible staff and a child is in some way unlawful should be dispelled. It is not the case that all physical contact should be avoided and in some cases it is entirely necessary. For example, for some children, close contact is important when tending to care needs, or for other children, a gentle hand on shoulder can be comforting when distressed. Nevertheless, it is important that adults only touch children in ways that are appropriate to their professional role and with due regard to what is acceptable to the individual child.

Staff should respond to young people in a way that gives expression to an appropriate level of care whilst also protecting against the physical contact being misinterpreted by the young person. When considering whether physical contact is appropriate in any given situation, the following points may be helpful:

- Staff should be respectful of any individual or cultural sensitivities to touch
- If at any time a child demonstrates verbally or otherwise that they are not comfortable with physical contact, staff should seek to respect this and respond accordingly
- Physical contact should never be secretive, or conducted in any way that may be considered indecent, or represent a misuse of authority
- A high proportion of children and young people with emotional and behavioural difficulties may have experienced sexual and/or physical abuse. Staff need to ensure that any physical contact is not open to misinterpretation
- Age and maturity should be considered in deciding appropriate physical contact
- Children and young people should be given advice and guidance with regard to socially appropriate/inappropriate situations to seek physical comfort
- Where a member of staff feels that it would be inappropriate to respond to a child or young person who is seeking physical comfort, the reasons should be explained to the child. This avoids unintended feelings of rejection. The child should then be supported in the appropriate way.
- A duty of care to children and young people may require the use of restrictive physical intervention as a last resort to prevent harm to themselves or others. This needs to be used in such a way that is not punitive, is the least restrictive option, is safe, and does not cause pain

This guidance is intended to assist all staff at Burstow Park School to have the confidence to use physical contact where appropriate, so that they can provide the best care to students whilst maintaining their own well-being, preventing harm to the child and protecting all concerned from being placed in an unnecessarily vulnerable situation.

Restrictive physical intervention policy

Surrey County Council (SCC) does not advocate the routine use of restrictive physical intervention. This applies to Burstow Park School as a Surrey provider of special education. All staff working with children are regularly trained in positive behaviour support techniques designed to reduce anxiety and challenging behaviour. Restrictive physical interventions are generally used as a response to behaviour that challenges safety – either of themselves or another. Challenging behaviour has been defined as: *“behaviours of such intensity, frequency or duration that the physical safety of the person or others is placed in serious jeopardy, or behaviour which is likely to seriously limit or deny access to the use of ordinary community facilities”*.

Restrictive physical interventions involve the use of force to control a person’s behaviour, using bodily contact, mechanical devices or changes to the person’s environment. This includes both physical restraint and removal to a seclusion or calm room. The use of restrictive physical intervention should only ever be as a last resort following the application of other appropriate strategies. It should only ever be used as an act of care and never as a punitive measure. It should never become routine. All staff working with children should be trained in positive behaviour support techniques, designed to reduce anxiety and challenging behaviour, and to teach alternative functional skills. Of central importance are the human and legal rights of everyone involved, staff and children alike.

Challenging Behaviour should not be seen as something that *belongs to* or is *part of* the child. It is something that happens as part of the interaction between the child, their environment and the behaviour of other people. It often develops as an effective way for a child with a disability to control what is going on around them.

In order to most effectively manage risk and challenging behaviour, Burstow Park School:

- works with children, young people and their families to establish what triggers may cause unsettled behaviour and what strategies will best support the individual to calm as quickly as possible
- systematically reviews records of behaviour incidents to identify the function of the behaviour for the child.
- systematically records and reviews the specific strategies and techniques to be used to support children and young people to de-escalate their challenging behaviour, and include these in individual risk assessments, as appropriate
- provides regular staff training in positive behaviour support to significantly reduce the need for restrictive physical intervention
- works within an ethos of restorative practice

Guidance from the DfE/DoH ([November 2017](#)) on the reduction of use of RPI underpins the principles outlined in this policy. The Core Values and Key Principles within the draft guidelines are:

Core Values

The following core values, drawn up with reference to the Independent Restraint Advisory Panel's review of restraint systems used in secure children's homes, are relevant to all of the settings and services to whom this guidance applies:

- **A focus on the child or young person's safety and welfare should underpin any use of restraint**
- **Children, young people and staff, should be treated fairly and with dignity and respect**
- **Minimising the risk of harm to children, young people and staff should be a key priority**
- **The needs and circumstances of individual children and young people should be considered and balanced with the needs and circumstances of others because decisions on whether or not to restrain or intervene with an individual affect others, including staff**
- **Where possible, a decision to restrain a child or young person should be based on their best interests balanced against respecting the safety and dignity of all concerned, including other children, young people or adults present.**

Key Principles

The following key principles underpin Burstow Park School's policies and practice on behaviour and the use of restraint:

- There will be times when restraint is needed to safeguard the individual or others but, broadly speaking, restraint should be the last response to behaviour that challenges. De-escalation techniques, learned and routinely updated in Team Teach, and other training will be appropriate to the child or young person, set within a positive and proactive approach to behaviour, should always be used to try and avoid the need to use restraint.
- The use of restraint will be based on the individual child's risk assessment summary and plan which should be known by all staff working with a child
- In circumstances where there would be a real possibility of injury or harm to the child or young person, other children or young people, to staff, the public or others if no intervention or a less restrictive intervention were undertaken.

- An intervention should be in the best interests of the child or young person and balanced against respecting the safety and dignity of all concerned, including other children, young people or adults present.
- Restraint should not be used to punish or with the intention of inflicting pain, suffering or humiliation.
- The techniques used to restrain or restrict liberty of movement must be reasonable and proportionate to the circumstances, risk and seriousness of harm; and be applied with the minimum force necessary, for no longer than necessary, by only the named trained staff.
- Use of restraint, reasons for it and consequences of its use, must be subject to audit and monitoring and be open and transparent.
- When agreeing and reviewing plans for restraint with children and young people, those with parental responsibility or, where appropriate, advocates should be involved including the voice of the child.

Principles underpinning the use of force

Surrey County Council's policy in relation to the use of force is founded upon three underpinning principles:

- **the use of force should, wherever possible, be avoided**
- **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.**

The application of a restrictive physical intervention should be an act of care not of punishment or aggression and should not be used to force compliance with staff instructions when there is no immediate risk to the child or other individuals.

Only the minimum force and least restrictive intervention necessary to prevent injury or to remove the risk of harm should be applied, and if used, this should be accompanied by calmly letting the child/young person know what they need to do to remove the need for restrictive physical intervention. The intervention should be used for the shortest possible time.

The scale and nature of any physical intervention must be proportionate both to the risk presented and to the nature of the harm they might cause or suffer.

Duty of care

Schools owe a duty of care to safeguard from harm all children and young people in their care. Under the Management of Health and Safety at Work Regulations 1992, employers also have a duty of care to employees to ensure that their working environment is safe and where risks are identified, that appropriate guidance, training British Institute of Learning Difficulties (BILD) and support is offered. Risks will include those posed by challenging behaviour.

Burstow Park School ensures that employees have Team Teach training including appropriate and regular refresher courses.

Failure to exercise that duty of care includes omitting to take any action when there is evidence that significant harm might occur. Such a failure to act could result in allegations of negligence and consequent civil litigation.

Good Practice

This policy, although essential to provide clarity, confidence and competence in behaviour support, has only ever used restrictive physical interventions rarely. Our training, refreshers, culture, ethos and good practice helps keep in mind staff support to:

- apply with greater confidence preventative and restorative strategies
 - support colleagues in providing a supportive whole school or setting ethos
 - develop their understanding of how and when restrictive physical intervention may be used
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- be clear on training requirements
 - know how to make a suitable record of an incident when restrictive physical intervention is used

Our setting and SEN client group: debriefing and reporting

- The Physical Intervention Lead is the Head Teacher
- The Headteacher and the DSL will be informed without delay of any incident of physical restraint.
- The head teacher and DSL will jointly ensure that all incidents of restrictive physical intervention are logged by the member(s) of staff involved.
- Where restrictive physical interventions are employed, the leadership team will monitor and review practice and make recommendations to reduce the need for such interventions
- Burstow Park School will always conduct a staff debrief where a serious incident has occurred
- Burstow Park School will meet all requirements of Surrey County Council in respect of the reporting of physical interventions, as requested

Good working practices to reduce the need for restrictive physical interventions

The use of restrictive physical interventions will be reduced through effective early planning and early prevention strategies through a robust and consistent behaviour policy.

Effective early planning will include:

- creating a well-planned, calm, orderly and supportive environment
- developing trusting relationships between children and young people and staff
- ensuring that the number of staff deployed and their experience corresponds to the needs of children and young people
- Ensuring risk assessments are personalised, detailed, appropriately shared and meet current needs before and when a child is admitted to the school, and consistently updated and shared to match current need.
- developing staff expertise in working with children and young people who present challenging behaviours including BILD accredited training in de-escalation and positive touch
- ensuring staff are able to work in a restorative way with young people, enabling the young person to communicate their thoughts and feelings, so they are heard and understood
- hearing and responding to the views of the child or young person so that they can make choices about the way to manage their behaviour e.g. some children and young people prefer withdrawal to a quiet area rather than a physical intervention which involves bodily contact.
- avoiding or adapting known trigger situations which are likely to provoke challenging or aggressive behaviour
- creating opportunities for children and young people to engage in meaningful activities which include opportunities for choice and a sense of achievement

Early prevention involves recognising at an early stage the outward signs an individual may display and then implementing the planned strategies to avert any further escalation.

- It is important to communicate calmly with the child/young person, using non-threatening verbal and body language and ensuring the child can see a way out of the situation.
- Strategies might include, for example, going with the staff member to a calm space, so that the staff member can listen to concerns; being joined by a particular member of staff well known to the child; or any of the other strategies named in the individual's plan
- The solution should seek to be a win-win situation

All prevention strategies should be carefully selected and regularly reviewed to ensure that they are impacting positively on the child or young person.

Using restrictive physical intervention

Wherever physical force is applied against resistance, it should be regarded as a

restrictive physical intervention and recorded and reported as such. In any situation, the least restrictive intervention available should be used, based on the specific needs of an individual and others whose actions may impact upon them. The appropriateness of the physical intervention must always be related to the age, maturity, understanding and capacity of the individual. It should be consistent with their education or placement plan and the role of the service setting. Planned physical intervention strategies should be:

- agreed in advance by a multidisciplinary or school/social care team working in consultation with the child or young person, and those with parental responsibility
- described in writing and incorporated into other documentation which sets out a broader strategy for addressing the child or young person's behavioural or emotional difficulties
- delivered by staff who have been trained in the TEAM-TEACH approach.
- implemented under the supervision of an identified member of staff who has undertaken appropriate BILD accredited training

Legal framework

The use of restrictive physical interventions must be consistent with the Human Rights Act (1998) and the United Nations Convention on the Rights of the Child (ratified 1991). These are based on the presumption that every person is entitled to:

- Respect for their private life
- The right not to be subjected to inhumane or degrading treatment
- The right to liberty and security
- The right not to be discriminated against in his/her enjoyment of those rights.

It is a criminal offence to use physical force, or to threaten to use force (for example, by raising a hand, or threatening to use a physical intervention), unless the circumstances give rise to a 'lawful excuse' or justification for the use of force. Similarly, it is an offence to lock a child in a room without a court order (even if they are not aware that they are locked in) except in an emergency, for example the use of a locked room as a temporary measure while seeking assistance may provide legal justification.

Education and Inspections Act 2006

For schools, Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a child or young person from doing, or continuing to do, any of the following:

- (a) committing any offence (or, for a child or young person under the age of criminal responsibility (10 years old); what would be an offence for an older child or young person);
- (b) causing personal injury to, or damage to the property of, any person (including the child or young person himself); or

- (c) prejudicing the maintenance of good order and discipline at the school or among any child or young person receiving education at the school, whether during a teaching session or otherwise.

The staff to which this power applies are defined in section 95 of the Act. They are:

- (a) any teacher who works at the school, and
- (b) any other person whom the head teacher has authorised to have control or charge of children or young persons. This:
 - (i) includes support staff whose job normally includes supervising a child or young person such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors
 - (ii) can also include people to whom the head teacher has given temporary authorisation to have control or charge of a child or young person such as paid members of staff whose job does not normally involve supervising children or young persons (for example catering or premises-related staff) and unpaid volunteers (for example, parents accompanying children or young persons on school-organised visits)
 - (iii) does not include prefects.

The power may be used where the child or young person (including a child or young person from another school) is on school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

The Act stipulates that the head teacher may empower staff by reference to an individual child or young person or staff member, or a group of children or young persons of a particular description, all children or young persons, or a group of staff of a particular description. There are no legal requirements as regards how staff, children or young persons should be notified of such a decision.

Corporal punishment – as defined in section 548 of the Education Act 1996 – is unlawful:

Use of restrictive physical intervention may also give rise to an action in civil law for damages if it results in injury, including psychological trauma, to the person concerned.

Deprivation of Liberty

Under The Children Act 2006, any practice or measure such as 'time out' or seclusion, which prevents a child from leaving a room or building of his or her own free will may be deemed a 'restriction of liberty'. Under this Act, restriction of liberty of children by a local authority is only permissible in very specific circumstances - for example when the child is placed in secure accommodation approved by the Secretary of State or where a court order is in operation.

There may be instances where it is appropriate to restrict a child who may be at risk due to a lack of awareness or danger to a room or a particular area in order to keep

him/her safe, e.g. if s/he has a severe learning disability and/or their ability to make safe choices is temporarily impaired by severe anxiety or rage, resulting in challenging and unsafe behaviour. This should be treated as a Restrictive Physical Intervention with the preventative plans and approaches in place as described in this document. However, it must be ensured that they are cared for under close adult supervision at all times and the incident fully recorded and reported as any other physical intervention would be.

No school should unnecessarily restrict the liberty of a child.

Reasonable force

There is no absolute legal definition of 'reasonable force' as it is viewed in the context of the individual case. It is judged to mean no more force than is needed in the circumstances.

There are two relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it; therefore, physical force could not be justified to prevent a child or young people from committing a trivial misdemeanour or in a situation that could clearly be resolved without force
- The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the risk or 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 to use force, and the degree of force that could reasonably be employed, will also depend on the age and understanding of the child or young person. It is also important to recognise that where a restraint might be considered reasonable in one instance it may not be in another. In all instances, the least restrictive option should be used.

Who can use reasonable force?

It is the responsibility of the education leaders to ensure that any staff expected to engage in planned restrictive physical intervention with a child or young person be specifically authorised and trained in Local Authority approved BILD accredited techniques suitable for that child. All staff, whether trained or not, including temporary or agency staff, may use reasonable force to physically intervene in an emergency or to defend themselves in circumstances where they have a genuine fear of being injured or believe a child or young person or indeed any adult may be at risk. The principles of least restrictive interventions and reasonable force will still apply here.

An effective risk assessment procedure together with well-planned preventative strategies will help to keep the emergency use of restrictive physical interventions to an absolute minimum. However, staff should be aware that, in an emergency, the use of force may be justified if it is reasonable to use it to prevent injury or serious damage to property and, in schools, to prevent a child or young person engaging in any behaviour prejudicial to the maintenance of good order and discipline in the school or among any of its children or young persons.

A calm and measured approach to a situation is needed and members of staff should

never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the child or young person.

Even in an emergency, the force used must be reasonable. It should be commensurate with the desired outcome and the specific circumstances in terms of intensity and duration. Before using restrictive physical intervention in an emergency, it should first be considered if physical intervention can be avoided by evacuating other children and staff from the vicinity of the risk. The person concerned should be confident that the possible adverse outcomes associated with the intervention (for example, injury or distress) will be less severe than the adverse consequences that might have occurred without the use of a restrictive physical intervention.

The use of seclusion

The use of seclusion where a child or young person is forced to spend time alone against their will would not normally be seen as appropriate except for short periods of time in extreme situations whilst help is obtained. This is in contrast to time out, where a child or young person would be supervised or accompanied in a neutral manner, and to withdrawal where they are removed from a difficult situation and accompanied while they calm down. It is an offence to lock a child in a room without a court order except in an emergency while seeking assistance. However, in educational settings, it is acceptable for double or high door handles or locking of outside doors to be used for safety and security reasons when pupils are supervised in the same room or area by staff.

Where a child or young person makes a choice to self-seclude, for example to escape from the social pressure of a situation, the Local Authority would require evidence of extensive communication with families or care providers by the setting. This would include outlining and agreeing the conditions of seclusion and a plan for reintegration with peers, based on the child's needs and preferences.

Where the health and safety of a child or young person and/or that of staff is at risk significant reduction in stimulus and freedom of movement is likely to be necessary.

With the safety of the child and their human rights in mind any intervention of this nature should be agreed by all relevant parties, an identified plan should be in place specifying individual processes for support. A review of practices should be in place and any intervention of this kind should be time bonded.

Recording and reporting: monitoring and reviewing

All accident, incident or near miss reports must be recorded. All staff should know to whom they should report incidents of restrictive physical intervention and where this person is located. The Head Teacher, DSL, and the parent/carer should be notified as soon as possible. Recording systems will be regularly monitored by the Headteacher. This monitoring should check that the procedures and systems that have been established are used in practice and are effective. Individual plans should be reviewed regularly and additionally when changes in levels of risk or behaviour have occurred. School or setting policies should be reviewed regularly and updated as necessary.

Surrey County Council, Education Safeguarding Team send a termly self-audit to all schools in Surrey and to all "out of county" schools where Surrey children have been placed. This audit includes a section on the use of restrictive physical interventions. This covers the recording of incidents, who was present and any

analysis completed by the Senior Leadership Team.

If there are any concerns raised that the physical intervention was not required, not undertaken in accordance with the guidelines, or the child or young person was injured as a result of excessive force, or any allegations that the use of force was unlawful, then the Headteacher must be informed immediately. The Headteacher will then contact the Local Authority Designated Officer (LADO) before any action is taken. The LADO will then advise on the next steps.

Staff training

No member of staff is expected to engage in planned restrictive physical intervention without sufficient appropriate and current training. This includes temporary and agency staff. Employers and managers are responsible for ensuring that staff receive training, including updates and refresher courses, appropriate to their role and responsibilities within their school or service. There will be particular training needs for staff working closely with children with special educational needs and/or disabilities, or with those who have a history of behaviours which challenge. The staff training and development policy should reference positive behaviour support training, as well as training in the use of appropriate touch and the use of restrictive physical interventions.

SCC requires that training complies with the standards and requirements of the policy, national and local guidelines (including the British Institute of Learning Difficulties (BILD) Code of Practice). The Local Authority, from a best practice point of view, would strongly recommend the use of a BILD accredited RPI training provider. Training is available through the CPI (Crisis Prevention Institute) Training Team at Surrey County Council who can advise on approved models.

All staff should familiarise themselves with the "[Guidance for](#)

[Safe Working Practice for Adults who work with Children and Young People 2016](#)"

Screening and searching of children or young persons for prohibited items.

Teachers can only undertake a search without consent if they have reasonable grounds for suspecting that a child or young person may have in his or her possession a prohibited item.

Schools are not compelled to use these powers - a power is just that, it is not a duty. While it is legally permissible to use force in these circumstances, the DCSF (2014) advised that when a child or young person suspected of carrying a prohibited item is likely to physically resist, school staff are advised to call the Police rather than use force to continue a search. Surrey County Council and the teaching unions support this position.

For staff in schools, reasonable force may also be used in exercising the statutory power, introduced under section 45 of the Violent Crime Reduction Act 2006, to search children or young persons without their consent for prohibited items. This search applies to head teachers and staff authorised by them, where they have reasonable grounds for suspecting that a child or young person has knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm.

Any item banned by the school rules which has been identified in the rules as an item which may be searched for. The searcher must be the same sex as the child or young person being searched; and there must be a witness (also a staff member) and, if at all possible, they should be the same sex as the child or young person being searched. There is a limited exception to this rule. You can carry out a search of a child or young person of the opposite sex to you and without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

More advice can be found in the DfE Guidance [Searching, screening and confiscation 2014](#)

Post-incident support

Incidents requiring force can be very distressing to all concerned, including observers and so support is required to restore well-being and calm. Services should ensure they have procedures in place for providing support to children and staff under such circumstances. There should be no attempt to apportion blame. The purpose of post incident support is to explore the following themes:

- (i) gathering of facts that led to the incident
- (ii) staff to explore any patterns linked to the incident e.g. settings, staffing and frequency
- (iii) the opportunity to analyse, reflect and learn from the incident, to investigate alternative strategies to minimise risk through discussions with the young person where possible.
- (iv) Repair relationships with all involved through restorative practice.

Dealing with complaints and allegations

In line with the [Guidance for safer working practice for those working with children and young people in education settings 2015](#) this guidance has been produced to help adults establish the safest possible learning and working environments which safeguard children and reduce the risk of them being falsely accused of improper or unprofessional conduct.

Children and young people and their parents/carers have a right to complain about actions taken by staff. Children and young people and their representatives 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. Clear consistent policy and practice should help to avoid complaints from a child or young people using the service, their parents, other relatives or carers. However, it will not prevent all complaints, nor the possibility that a complaint might result in a disciplinary hearing, a criminal prosecution, or in a civil action. In any of these circumstances, it would be for the disciplinary panel or the court to decide whether the physical contact was reasonable in the circumstances.

If any member of staff at any time thinks that an action may have been misinterpreted, or may lead to a complaint, they need to feel confident to report the situation immediately so that it can be recorded fully, and the manager can assist any debrief with the child and their parents which may be necessary.

If a specific allegation is made the guideline in the [Surrey Safeguarding children board procedures](#) must be followed. These procedures should be applied when there is an allegation or concern that any person who works with children, in connection with his/her employment or voluntary activity, has:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child;
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children; or

For staff for whom the Keeping Children Safe in Education 2022 document applies - behaved towards a child or children in a way that indicate she or she would pose a risk of harm if they work regularly or closely with children.

All such concerns must be reported to the LADO before any action is taken unless there are immediate safeguarding concerns for the child which must be dealt with as per [Surrey Safeguarding Children Board Procedures](#)

Whenever an allegation is made, and an investigation undertaken, there will be learning points for the organisation. It is important for organisations to act on any recommendations from the investigation

Other complaints should be dealt with under the school's complaints procedures



School procedures for the use of restrictive physical interventions by staff

This procedure supports the application of the Surrey County Council policy and guidance on the use of Touch and Restrictive Physical Intervention

- 1 The person responsible for authorising staff to use restrictive physical intervention as part of a structured and planned intervention within this school is **Melvin George**
- 2 The person responsible for ensuring that all planned use of restrictive physical intervention is risk assessed is **David Wheatley**
- 3 Copies of all risk assessments are held **on SharePoint** and are reviewed after every use of force and termly.
- 4 As of **01/09/2022** the people who are authorised to use reasonable force in planned restrictive physical interventions are listed here. No other person should engage in a planned intervention.

List individual names

David Wheatley
Emily Sabin
Julie Jeffrey
Flavia Kyallilika
Joanna Mills
Nick Kearns

- 5 Only those trained in appropriate techniques within the last two years may be authorised. The person responsible for ensuring that appropriate training is provided, including regular updates, is **Melvin George**
- 6 Those not involved in risk assessment but whose roles include the supervision of children may use reasonable force in an emergency unplanned intervention where it is necessary to prevent a serious injury from occurring.
- 7 Every use of restrictive physical intervention is to be reported the same day to the Head teacher or the deputy in charge if the Head teacher is off-site. The Head teacher, their deputy or an appropriate senior manager with responsibility for safeguarding, will ensure that a parent of the child who has had force used against them is notified that day.
- 8 In addition, the details of each use of physical intervention must be recorded on CPOMS and within the Restraint Record Book

When the use of a restrictive physical intervention is appropriate, it is important that steps are taken to minimise the risk to both staff and children.

Among the main risks to children and young people are that a restrictive physical intervention could:

- be used unnecessarily, that is when other less intrusive methods could achieve the desired outcome
- cause injury, pain, distress or psychological trauma
- become routine, rather than an exceptional method of risk and behaviour management
- increase the risk of abuse
- undermine the dignity of the staff or children and young people or otherwise humiliate or degrade those involved
- create distrust and undermine personal relationships.

The main risks to staff include the following:

- they suffer an injury whilst carrying out a restrictive physical intervention
- as a result of applying a restrictive physical intervention they experience distress or psychological trauma
- the legal justification for the use of a restrictive physical intervention is challenged in the courts (even it were clear that the member of staff acted recklessly, unreasonably or against the policy of the school or authority, the employer would usually be required to justify its actions)
- disciplinary action or a child protection enquiry that does not reach the Courts, but nevertheless contains similar inherent stresses.

The main risks of not intervening appropriately may include:

- children, staff or other people being injured or abused
- staff leaving the profession
- serious damage to property occurring
- the employer being in breach of the duty of care to staff and/or others
- the possibility of litigation arising out of not intervening.

There are three main pieces of health and safety legislation which are relevant to violence at work. These are:

- The Health and Safety at Work etc Act 1974 (HSW Act)
- The Management of Health and Safety at Work Regulations 1999 and successor legislation
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)

Whenever it is foreseeable that a child or young person might require a restrictive physical intervention, a risk assessment should be carried out which identifies the benefits and risks associated with the application of different intervention techniques with the person concerned. Planning should also be undertaken to see if trigger situations can be avoided and other positive strategies employed to minimise the likelihood of such incidents occurring. Management teams are advised to assess the frequency and severity of incidents requiring use of force that are likely to occur in their school/establishment. Historical patterns usually provide a good starting point. These assessments will help to inform decisions about staff training.

An individual risk assessment is essential for children or young persons whose special educational needs and/or disabilities (SEND) are associated with:

- communication impairments that make them less responsive to verbal communication;
- physical disabilities and/or sensory impairments;
- conditions that make them fragile, such as haemophilia, brittle bone syndrome or epilepsy; or
- dependence on equipment such as wheelchairs, breathing or feeding tubes.

It is important that all school and service settings develop appropriate documentation and approaches to assessing risk.

There are rare occasions when it may be appropriate to act with only minimal assessment of risks – for example, 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”. Whilst not an exhaustive list, examples include:

- to prevent a child or young person running off a pavement onto a busy road, or falling into water
- where a child or young person uses tools dangerously or inappropriately
- to prevent a child or young person hitting someone else
- throwing stones (etc.) at a window where there is an immediate risk of injury from broken glass
- misuse of substances (e.g. cleaning fluids, etc.) where there is a likelihood of immediate harm

Whenever possible, assistance must be sought:

- when the member of staff believes that he or she may be at risk of injury
- when managing an older or physically larger child or young person
- where there is more than one child or young person

- where a child or young person appears to be under the influence of drugs or alcohol, or who is ill
- where a child or young person appears to have a weapon

Elevated levels of risk are associated with:

- the use of clothing or belts to restrict movement
- holding someone who is lying on the floor or forcing them onto the floor
- any procedure which restricts breathing or impedes the airways
- seclusion, where a child or young person is forced to spend time alone in a room against their will
- extending or flexing the joints or putting pressure on the joints
- pressure on the neck chest abdomen or groin areas.