Townley School and Pre-School



Policy for Physical Intervention

Introduction

This Policy has been developed from Cambridgeshire County Council's Policy and Guidance on the Effective Management of Behaviour (including Restorative Approaches and appropriate use of Physical Intervention.

Purpose of Policy:

To enable Cambridgeshire settings to exercise their duty of care to children, young people and staff and have regard to the legislation regarding behaviour management approaches, particularly those practices relating to the Use of Force, and Restrictive Physical Intervention strategies.

To provide best practice guidance on approaches that should be used with a child or young person prior to physical intervention becoming necessary.

To provide a quality assurance framework for the procurement, planning and management of physical interventions that is legal, effective, safe, appropriate and proportionate.

To provide a set of unifying principles governing the use of physical intervention and restraint by staff coming into contact with children and young people who exhibit challenging behaviour, aggression or violence, that could jeopardise their own or another's safety.

For these principles to be used by all settings when developing services and person specific responses to behaviour and physical intervention and restraint. To provide a framework within which policies, guidance and practice can be appraised.

This document is divided into 2 distinct sections as follows:

1 POLICY

This part of the document sets out Cambridgeshire County Council's Policy on the use of behaviour management strategies, with particular reference to the use of physical intervention, due to its complex and contentious nature. Reference is made to the latest government publications.

2 APPENDICES

The appendices contain documents and forms which have been referred to throughout the preceding sections, which will enable settings to further develop their behaviour management practice and processes in line with Cambridgeshire County Council Policy and Guidance.

Terminology note:

The word **'settings'** is used throughout this document to refer to all places and professionals within Cambridgeshire which provide services for children and young people. 'Children and young people' refers to ages 0-19, or 25 for people with Special Educational Needs and Disability (SEND).

1 Policy

Key Elements

Townley School and Pre-School believes in providing safe, secure environments in which children and young people feel cared for and in which staff feel effectively supported.

It is essential to recognise that behaviour is a form of communication; practitioners have to look beyond the behaviour and analyse its function. A common principle in behaviour management is looking for the message an individual is communicating through their behaviour: 'All behaviour has meaning'. This is core to functional analysis. This means that presenting behaviours may need to be interpreted with care and with consideration to underlying issues such as pain or distress. This is particularly the case with young people with special needs but all children and young people demonstrate their feelings through their behaviour.

The majority of children and young people demonstrate behaviour that is perceived as both appropriate and good. However, there are a minority of children and young people who exhibit challenging behaviour. Challenging behaviour is defined as "culturally abnormal behaviour(s) 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" (Emerson, E, 2001). Common types of challenging behaviour include self injurious behaviour, aggressive behaviour, inappropriate sexualised behaviour, behaviour directed at property and stereotyped behaviours. This policy has been developed to help settings prepare for and appropriately manage this challenging behaviour.

Townley School and Pre-School encourages the use of de-escalation methods and use of restorative approaches, to manage behaviour and restore and maintain relationships. Social and Emotional Aspects of Learning (SEAL) and Social and Emotional Aspects of Development (SEAD) are promoted as part of the Cambridgeshire PSHE curriculum, as these programmes support the development of social and emotional skills associated with self-awareness, managing feelings, motivation, empathy and social skills. These skills also underpin effective learning, positive behaviour, regular attendance, staff effectiveness as well as the emotional health and wellbeing of all who learn and work in settings. In the Early Years, the Early Years Foundation Stage (EYFS) focuses on the development of children in the three prime areas including Personal, Social and Emotional Development, which includes child development, in the management of behaviour and feelings. The understanding of each child's development and promotion of their social and emotional development is key to positive approaches to behaviour in the early years.

This document recognises that there is occasionally a requirement for the use of restrictive physical intervention to prevent injury or harm to a child, young person or an adult. This should be as a last resort when non physical interventions have failed or when a person is at significant risk. This document describes circumstances in which physical intervention might be necessary. In these circumstances it must be an act of care and protection; of taking control for the safety of all, and not as a form of punishment.

The basis of this document is that each setting will ensure that within their own behaviour policy, they recognise the need for a positive and safe environment in which children and young people can develop and learn, with strategies to prevent situations from escalating. The policy should include plans for the positive management of behaviour which may include the use of interventions such as restorative approaches and use of de-escalation techniques to promote positive behaviour.

Consistency in approach to behaviour management is important, both to provide the most effective support for children and young people and to reduce the possibility of confusion or disagreements between staff employed by different agencies. This document should be used to help ensure staff in all settings adopt consistent practices in the use of behavioural approaches based upon a common set of principles. This would also apply to the use of restrictive physical interventions.

All services should be designed 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 well being. A whole setting restorative approach to behaviour, where all staff, children and young people are familiar with the approach, can engender a restorative environment. In the Early Years effective practice and high quality care with positive interactions will give children the best possible start. Intervention in everyday situations such as conflict between children, involve the adult as a facilitator supporting a resolution and maintaining positive relationships for all children. It is important to establish clear behavioural expectations for children and young people, as well as to provide real opportunities for children and young people to have their voices heard and their views regarding behaviour issues taken seriously by adults.

Cambridgeshire children and young people, and adults working with them, have a right to be treated with respect, care and dignity. This is especially the case when they are presenting risk or behaving in ways that may be harmful to themselves or others and as a result require physical intervention from staff. By using this document, staff will be helped to act appropriately and in a safe manner, so ensuring effective responses in situations, especially where there may be physical challenge.

2 Compliance with the Law on Behaviour and the Use of Physical Intervention and Force

This policy does not seek to provide a full legal summary nor to offer advice for the context in which any incident might occur. However it is important to recognise that the use of restrictive physical interventions needs to 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 assumption that every child and young person is entitled to:

- respect for his or her private life
- the right not to be subjected to inhuman or degrading treatment
- the right to liberty and security
- the right not to be discriminated against in his/her enjoyment of those rights.

Restrictive physical interventions need to be child or young person specific, integrated with other less intrusive approaches, and clearly part of an education or placement plan approach to reduce risk when needed. They must not become a standard way of managing children and young people, or as a substitute for training in people related skills.

Physical intervention must not to be used simply to maintain or bolster good order in the classroom or other environment. It is expected that its use will be rare, in exceptional circumstances when a particular need arises. It should **never** become habitual or routine.

The Statutory Framework for the EYFS states that physical intervention can only be taken for the purposes of averting immediate danger of personal injury to any person (including the child) or to manage a child's behaviour if absolutely necessary.

In Townley School and Pre-School the term 'restrictive physical intervention' should be interpreted as describing direct safeguarding action. The term 'restrictive physical intervention' is defined by the DfES/DoH (2002) as being 'designed to prevent movement or mobility or to disengage from dangerous or harmful physical contact...' There are 4 main principles underpinning any physical intervention:

- Restrictive Physical Interventions should, wherever possible, be avoided.
- There are occasions when the use of such interventions would be appropriate.
- Such interventions should always be reasonable and proportional to the circumstances.
- When restrictive physical interventions are necessary, they should recognise the need to maintain the dignity of all concerned as well as always being intended to preserve their safety.

It is a criminal offence to use physical force, or to threaten to use force (for example, by raising a fist, or using verbal threat), unless the circumstances give rise to a 'lawful excuse' or justification for use of force. (DfES/DoH 2002).

Due notice should be given to the DfE publication **Use of Reasonable Force: Advice for Headteachers, staff and governing bodies** 2012

Key Points:

Schools can use reasonable force to:

- prevent a pupil at risk of harming themselves through physical outbursts;
- remove disruptive children [and young people] from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground.

Schools cannot:

• use force as a punishment – it is always unlawful to use force as a punishment.

How do I know whether using a physical intervention is 'reasonable'?

The decision on whether to physically intervene is down to the professional judgement of the teacher [or staff member] concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result. School staff should expect the full backing of their senior leadership team when they have used force.

Whenever restrictive physical intervention is used it **must** be recorded by the setting so that a clear record is kept of the incident which can be shared as appropriate (appendix G).

Education and Inspections Act 2006

For *schools*, Section 93 of the Education and Inspections Act 2006 (which replaces section 550A of the Education Act 1996) enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- a. committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- b. causing personal injury to, or damage to the property of, any person (including the pupil himself); or
- c. prejudicing the maintenance of good order and discipline at the school or among any pupils 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:

- any teacher who works at the school, and
- any other person whom the head teacher has authorised to have control or charge of pupils.

This:

- i. includes support staff whose job normally includes supervising pupils 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 pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example, parents accompanying pupils on school organised visits)
- iii. does not include prefects.

The power may be used where the pupil (including a pupil 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 pupil or staff member, or a group of pupils of a particular description, all pupils, or a group of staff of a particular description. There are no legal requirements as regards how staff or pupils should be notified of such a decision, this being a matter of common sense and professional judgement. Head teachers should, however, do this in writing for the sake of certainty – including reflecting as appropriate in staff members' contracts, and making this a part of the measures that the head teacher sets down in the school behaviour policy.

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

Use of restrictive physical intervention may give rise to an action in civil law for damages if it results in injury, including psychological trauma, to the person concerned. However, Cambridgeshire County Council expect that governing bodies will support staff who, having been appropriately trained in a restrictive physical intervention, follow this policy and act in a reasonable manner.

If a child acts in a way which is dangerous or harmful to him or herself or others, then Townley School and Pre-School expects the member of staff dealing with the behaviour to react in a way consistent with the duty of care they have for that child. The use of force should only be applied if it is reasonable, proportionate and absolutely necessary. Following this incident, if it is considered that similar situations are likely to occur again then a risk assessment should be undertaken and appropriate training given to staff in restrictive physical intervention, if necessary.

OFSTED Framework

The Ofsted framework makes clear the importance of the behaviour and safety of pupils in schools:

In order to make a judgement about the quality of education provided in the school, inspectors **must** first make four key judgements. [One of these is]: The behaviour and safety of pupils at the school.

Schools must ensure that behaviour provision is suitable for a range of needs:

Inspectors may look at a small sample of case studies in order to evaluate the experience of particular individuals and groups, such as disabled pupils and those who have special educational needs, looked after children and those with mental health needs.

Recording of behavioural incidents is important:

Inspectors should consider: the school's analysis of, and response to, pupils' behaviour in lessons over time, for example incident logs and records of rewards and sanctions

Characteristics of an outstanding school, as relevant to this policy:

- skilled and highly consistent behaviour management by all staff makes a strong contribution to an exceptionally positive climate for learning. There are excellent improvements in behaviour over time for individuals or groups with particular behaviour needs.
- all groups of pupils feel safe at school and at alternative provision placements at all times. They understand very clearly what constitutes unsafe situations and are highly aware of how to keep themselves and others safe, including in relation to e-safety.

The Framework for Children's Centre Inspection (Sept 2011)

The framework makes clear the safety and welfare of children is a fundamental inspection judgment: 'The extent to which children are safe and protected, their welfare concerns are identified and appropriate steps taken to address them'

The Children Acts 1989/2006 and The Care Standards Act 2000: Use of Seclusion

In accordance with The Children Acts 1989/2006, Cambridgeshire County Council does not endorse actions which restrict the liberty of a child or young person, including restricting a child or young person in a room or confining them against their will. Action 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 [and young people] by a local authority is only permissible in very specific circumstances – for example when a child is placed in secure accommodation approved by the Secretary of State or where a court order is in operation. It is an offence to lock a child in a room without a court order.

In the case of children [and young people] in residential care, the general Guidance and Regulations issued in respect of the Children Acts 1989/2006 and The Care Standards Act 2000 (Children's homes Regulations 2001) addressed the use of physical action such as restraint and holding in the context of good order and discipline in section 17.

3 Appropriate Use of Force and Physical Intervention

The importance of attempting to de-escalate situations and avoid the use of force and restrictive physical intervention should be clear in all setting policies. These policies and procedures should also provide all staff with clear guidance on the types of techniques that may be used to physically intervene or restrain the child or young person if it becomes absolutely necessary.

It is important to recognise that positive or 'contingent' touch may be beneficial in some cases, for some children and young people, and that settings should not have a policy which seeks to avoid all physical contact between staff and children / young people. DFE **Use of Reasonable Force: Advice for head teachers, staff and governing bodies** (2012) states:

'It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.'

Examples of where touching a pupil might be proper or necessary:

- holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school
- when comforting a distressed pupil
- when a pupil is being congratulated or praised
- to demonstrate how to use a musical instrument
- to demonstrate exercises or techniques during PE lessons or sports coaching
- to give first aid.

As described in detail in the previous section, restrictive physical interventions may be used to achieve different outcomes such as:

- o to break away from dangerous or harmful physical contact
- to separate the person from the events triggering risk and/or challenging behaviour
- \circ to protect the child or young person.

Interventions may be:

Proactive, in which staff employ, where necessary, prearranged strategies and methods which are based upon a risk assessment and recorded in individual plans.

Reactive, which occur in response to unforeseen events.

In all settings, the decision to intervene using physical restraint should be a professional judgment taken calmly and in full knowledge of the desired outcome. Though likely to be a last resort it should be an act of care, not punishment; a conscious decision to act in the child or other's best interest, and not an act of desperation or a tool to force compliance.

Townley School and Pre-School endorses only the use of behaviour management methodologies which are accredited by the British Institute of Learning Disabilities (BILD). Non accredited methodologies should not be used by settings. Settings should have their own governance arrangements in place in order to monitor the correct use of such methodologies. If Cambridgeshire County Council (CCC) have provided or commissioned the training¹, then CCC will also seek to monitor use. Methodologies which have been used successfully in Cambridgeshire settings and should be considered for use are:

Team Teach Proact-SCIPr-UK®

¹ Please note that restrictions exist upon who can be trained in the use of Team Teach, by Cambridgeshire County Council trainers. CCC trainers may only train staff in settings which operate under a governing body. CCC trainers may only train staff who are employees of CCC

Outside of these limitations, settings such as Early Years PVI settings, or Academies may choose to commission training directly from Team Teach.

Managers in settings are responsible for ensuring that they use this document to ensure that:

- there is a current policy in place for the setting
- \circ there is opportunity to review the policy at least annually
- dynamic and robust risk assessments are in place
- o all incidents of restrictive physical intervention are recorded and reported as required
- appropriate support and de-brief is available to children, young people and staff, and that they are aware of how to access the support available.
- parents and carers are kept informed of any risks or incidents requiring physical intervention or use of force.

Only the minimum of restrictive physical 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. Staff should seek to recognise signs when a child becomes calm whilst being held; they may physically feel it as this is part of the child's communication that they have calmed down.

As soon as it is safe to do so, the restrictive physical intervention should be gradually relaxed to allow the child or young person to gain self-control.

Wherever possible, restrictive physical interventions should be used in a way that is sensitive to, and respects the cultural expectations of children and young people and service users and their attitudes towards physical contact. This should always form part of the dynamic risk assessment (see section 4).

There is no legal definition of 'reasonable force' so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case. Schools should refer to DFE **Use of Reasonable Force: Advice for head teachers, staff and governing bodies** (2012). Use of restrictive physical intervention describes how a trained member of staff uses an approved hold or technique to physically contain a young person, the use of this approach may have been agreed as part of an assessed management plan. The use of force is used to describe situations other than this where the use of a physical response may be to prevent immediate and significant harm occurring in a situation which cannot be contained in any other manner.

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, as reasonable use is likely to vary greatly from a very young child to a young adult. It is also important to recognise that where a restraint might be considered reasonable in one instance it may not be in another.

Ultimately only a court may judge what is reasonable in terms of the amount of force used in physical restraint and obviously will do so retrospectively.

4 De-escalation, Prevention and Risk Management

The majority of incidents of violence and aggression are triggered by known sources (behaviour of others, particular locations, times of stress and uncertainty or challenge, loud noises etc). It is important however to understand that, for some children and young people with complex communication and learning needs, it is not always possible to recognise triggers. The prevention or de-escalation of violent or aggressive behaviours should be a primary aim in order to manage the behaviour, therefore avoiding the use of force wherever possible.

Staff should be aware of the importance of recognising behaviours and situations that could trigger or heighten the risk of challenging behaviour, violence and aggression and seek to mitigate, avoid or remove them wherever possible. This should be embedded in staff training. They should also be aware of the individual plans and risk assessments around specific children and young people.

At transition points, where a child moves between settings, particularly if that child has complex communication needs, the old setting should always let the new setting know, in detail, what these needs are. This could be in the form of a 'communication passport'. See for example http://www.scope.org.uk/help-and-information/publications/communication-passport.

A dynamic risk assessment should be used by staff whenever faced with a behavioural incident. Dynamic risk assessment is an active and continuous process by which the person observes the situation and takes into account the historical as well the current context of the behaviour before making a decision about how to act. This process of observation and review should be ongoing, in order to take account of what is likely to be a rapidly changing situation.

All policies and procedures should employ de-escalation techniques (Appendix J) as a first line strategy following a dynamic risk assessment, whenever there is a threat of violence or aggression towards an individual or property. Communicating calmly with the child or young person, using non-threatening verbal cues and understanding body language and physical proximity can all contribute to helping a child or young person to see a way out of a situation. Helping children and young people to recognise their own triggers is an important component of a "de-escalation" strategy developed in respect of a particular child or young person, which can lead to greater self management skills being developed.

5 Restorative Approaches

Restorative approaches should be explored as a method of managing conflict situations. Although often employed as a means of resolution after an event has occurred, the use of restorative approaches also enables children and young people to develop self-awareness and management of their feelings through their experiences. This approach helps the child or young person to take responsibility for what they do and teaches understanding and empathy which can assist in self management skills.

Settings which have employed a whole system approach have reported significant reductions in incidents and new styles of interacting between children/ young people and between staff and children/young people. Those involved in the incident sort out what needs to happen rather than it being dictated by another person in authority. An outline of the approach is in the guidance section.

6 Disability, Special Needs and Emotional Wellbeing

Settings need to ensure that their policy and practice on the use of force and restrictive physical intervention take proper account of the particular special educational needs and disabilities that their children/young people may have. Under the Disability Discrimination Act 1995 the responsible body for a [setting] has a duty to take reasonable steps to ensure disabled children/young people are not placed at a substantial disadvantage in comparison with those who are not disabled, in their access to education and associated services (sometime referred to as the duty to make *reasonable adjustments*). This duty should not mean over-compensation. The general principles underlying the setting's policy should apply to all of its children/young people.

Children and young people who have a disability, special need and/or emotional health and wellbeing difficulties should have an individual, multi agency plan and risk assessment around their needs and behaviour, addressing any wider issues or underlying difficulties. For example, a Common Assessment Framework (CAF) or Statement of Special Educational Needs (SSEN) should be used in order to assess and plan for such children and young people. Assessment and planning should be used alongside a Pastoral Support Plan (PSP) where appropriate. There should be clear planning for any intervention or specific support which is identified as being required. Any specific issues stemming from these needs will be identified to allow for planning for episodes of difficult or challenging behaviour. This will be particularly important for children and young people whose SEN and/or disabilities are associated with:

- communication impairments that make them less responsive to verbal communication or unable to communicate their needs or feelings effectively;
- physical disabilities and/or sensory impairments;
- o conditions that make then fragile, such as haemophilia, brittle bone disease or epilepsy;
- o dependence on equipment such as wheelchairs, breathing or feeding tubes;
- severe learning difficulties.

Knowledge and insight about a child or young person that their parents and other professionals involved with the family can provide will be key to managing behaviour and preventing the need for physical intervention.

Any risk assessment (which should be part of the baseline for an individual behaviour plan) should take into account the skills and abilities required of staff in dealing with the child or young person. Training needs must be addressed as required. This is relevant to ensure that suitably qualified and trained staff are available to deal with the child or young person. Also to ensure that the staff member is prepared to deal with the situation; thus meeting the duty of care in respect of the individual and for the employee. At the very least advice should be sought from someone who knows the child or young person well, to ensure early signals are recognised, to allow staff to work preventatively and avoid escalation.

7 Post Incident Management

Following an incident where restrictive physical intervention or use of force has been used, all involved, including staff and children and young people, should separately be given the opportunity to reflect on and discuss in detail what has happened and what effect this has had on them. This should only happen once the people involved have regained their composure, and should be done in a calm and safe environment. At no point should this process be used to apportion blame or dispense punishment. If at any point there is reason to suspect that someone involved has been injured or severely distressed, medical attention should be immediately sought.

Interviews should be conducted appropriately according to the age and developmental stage of the child. Alternative methods of debrief and of understanding the incident should be used for children and young people for whom interviews are not appropriate e.g. very young children, some children with a learning disability. Examples of alternative methods include visual communication aids, e.g. symbols, pictures, photos, to help identify feelings and emotions.

Polices should specify the requirements for recording and reporting any restrictive physical intervention or use of force incidents. It is *essential* that a full and systematic record of every restrictive physical intervention is kept. This helps ensure policy guidelines are followed correctly. It also gives a clear record that can be used to inform parents and to inform future planning as part of improvement processes. An accurate record also helps to prevent misunderstanding or

misinterpretation of the incident, and to provide a record for any future enquiry. This should be done within a specific timescale. Further, this will enable accurate monitoring by the Local Authority and potentially the contractor who has trained staff in restrictive physical interventions. Cambridgeshire County Council currently offers schools an Intervention Incident Record Form (Blue Book) to record all restrictive physical interventions. This is available to purchase. Cambridgeshire County Council considers it best practice to record *all* incidents in the blue book, to keep a record in school and to send either a scanned copy or a separate copy available in appendix G, to the Behaviour and Attendance Manager.

Settings' recording will be essential in helping to initiate or update the risk assessment concerning the child or young person, and whether changes need to be made to their individual care plan.

Policies should recognise that any restraint is a restriction of liberty and an invasion of personal space which may have a lasting impact on the wellbeing of the child or young person. Consideration needs to be given as to who is best placed to undertake this work. There may be a need to involve services provided by other partners.

Support for other service users witnessing or otherwise involved in the incident will need to be considered. This may involve giving the child or young person who has been restrained the opportunity to recognise and help repair the damage or harm that has resulted from their behaviour, and enable them to develop their emotional and social skills. This can be done through restorative approaches or other reflective methods.

8 Complaints and Allegations

Children and young people and their parents/carers have a right to complain about actions taken by staff. This includes the use of restrictive physical intervention.

Children and young people and their representatives must have clear information about how to access the services of an advocate where available and appropriate.

A clear policy about restrictive physical intervention, that staff adhere to, should help to avoid complaints from a child or young person using the service, their parents, other relatives or carers. However, it will not prevent all complaints and the possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action being brought cannot be ruled out. In any of these circumstances, it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in the circumstances.

If a specific allegation is made against a member of staff, the Local Authority Designated Officer (LADO) needs to be informed without delay. If a school, the allegation must be reported to the relevant Education Advisor who will liaise with the LADO; if any other part of the council, please ring the LADO direct on 01223727970. The LADO will make any necessary contact with the police and will convene a complex strategy meeting, if required, to co-ordinate the investigation (see Cambridgeshire LSCB Safeguarding Procedures).

If a child or young person wishes to make a complaint, guidance can be found in section 9 of DFE: *Use of reasonable force. Advice for head teachers, staff and governing bodies*(2012)

Other complaints should be dealt with under the normal complaints procedures. Attention should also be given to the DfE resource: *Dealing with Allegations of Abuse against Teachers and other Staff:* (2012)

9 Staff Training

Employers and managers are responsible for ensuring that staff receive training, including updates and refresher courses, appropriate to their role and responsibilities within their setting. There should be a policy on staff development and training that includes reference to training in the use of restrictive physical interventions.

In the Early Years settings, with the exception of child minders, a named practitioner is responsible for behaviour management issues. They should be supported in acquiring the skills to provide guidance to other staff and to access expert advice if ordinary methods are not effective with a particular child.

There will be particular training needs for staff working closely with children and young people with SEN and/or disabilities. Risk assessments will help inform decisions about staff training. Parents may seek advice from the Parent Partnership Service.

(See: www.cambridgeshire.gov.uk/childrenandfamilies)

A setting may decide that all staff who supervise children and young people should have such training. However, individuals have statutory power to use force by virtue of their job so a setting policy cannot lawfully prevent staff whose job involves having control or charge of children and young people from using that power regardless of whether they have received training.

Settings should ensure that they commission sufficient training that covers ways of avoiding or defusing situations in which restrictive physical intervention might become necessary as well as training in methods of restrictive physical intervention, as appropriate.

Staff who are expected to employ restrictive physical interventions will require additional specialised training. The nature and extent of the training will depend on the characteristics of those who may require a restrictive physical intervention, the behaviours they present and the responsibilities of the individual staff member.

It is critical that temporary or agency staff expected to engage in planned restrictive physical intervention have received up-to-date training consistent with the nature of that received by employed staff. Managers should proactively seek this information.

Staff should only use BILD accredited methods of restrictive physical intervention for which they have received training. Techniques should be closely matched to the characteristics of individual children and young people and reflected in the risk assessment.

In 2002 the DfES and the DoH funded BILD (British Institute of Learning Disabilities) in their task of accrediting all training for physical intervention. Cambridgeshire County Council has made the decision that a pre-requisite of any training approach therefore, is that it should be accredited by BILD. Services seeking training need to be aware that BILD is a resource for finding accredited programmes.

10 Overview and Monitoring

Settings need to have processes in place for monitoring incidents of violence and aggression and the use of restraint. It is the responsibility of the setting to put these processes in place. It should be possible to demonstrate actions that have been taken to reduce the frequency and severity of incidents; this will be overseen by the County Behaviour and Attendance Manager. The incident must

be recorded. The bound Blue Book containing the record form (appendix G) is available to schools to purchase through the Behaviour and Attendance Manager.

Control of risks associated with physical intervention, violence at work and behaviour management should be monitored and reported to governors, where applicable, and the Local Authority where risks cannot be managed at the local level.

Monitoring will include local managers checking that systems are in place through inspections, management processes including performance reviews, team meetings, etc. This monitoring should check that the procedures and systems that have been established are in practice and are effective. The Local Authority expects all maintained schools to adhere to the County policy on recording all incidents of restrictive physical intervention through the agreed recording system, currently using the Intervention Incident Record Form in the Blue Book which is available to schools to purchase. A copy of the completed page in the blue book or an additional copy made on the electronic record form (appendix G) should be sent to the County Behaviour and Attendance manager after each incident for monitoring.

While governance primarily rests within the setting, the County Council's Children, Families and Adults Services will check physical intervention procedures have been implemented, as appropriate. There is also a requirement for all *schools* to report all incidents of restrictive physical intervention. This reporting will be the completed Intervention Incident Record Form (appendix G) to the Behaviour and Attendance Manager, who will copy it to the Local Safeguarding Children's Board, for statistical monitoring.

Any incidence of restrictive physical intervention that results in medical treatment for either a child or young person or a staff member must be reported to the Behaviour and Attendance Manager within a week. Any necessary health and safety forms must also be completed, including IRF(96) Incident Report Forms where appropriate.

Setting policies must be reviewed annually and, if necessary, updated.

Checklist of Recommendations from this Document

Have you...

Read the DfE publication *Use of Reasonable Force: Advice for head teachers, staff and governing bodies: 2012* and others detailed in Appendix K?

Put in place a behaviour policy which has a process in place to be reviewed annually?

Ensured all staff have had access to this document and your individual setting's behaviour policy?

Ensured there is a clear, agreed and regularly reviewed plan where appropriate for children and young people to agree management of their behaviour? This may be informed by a risk assessment.

Considered a whole setting restorative approach to behaviour management, including training for all staff as well as children and young people?

Ensured staff are trained in recognising behaviours and situations that could trigger or heighten the risk of challenging behaviour, violence or aggression?

Ensured staff have access to training in de-escalation techniques?

Ensured that staff who work with children and young people with a behaviour management plan are trained in Cambridgeshire County Council endorsed (BILD accredited) methods for containing that behaviour?

Put a post incident management system in place which allows both staff and children and young people to be given separate opportunities to talk about what happened in a calm and safe environment?

Ensured that your policy includes the setting's requirements for recording and reporting any incidents, detailing when they should be recorded, how often they should be reported and to whom?

Ensured all staff are aware where to record incidents and how they will be used?

Put a system in place to give support to other children and young people / service users who may have witnessed an incident?

Ensured children, young people, parents and carers and their representatives have clear information about how to access the services of an advocate, and how to complain if they feel the need?

Put procedures in place for checking the training of any agency staff you use?

Appendix B

Further Factors for Consideration and Discussion in your Setting around Physical Intervention (not applicable to Early Years Settings)

Which staff will be authorised to use Restrictive Physical Intervention (RPI) in your setting?

By what process will staff be selected and authorised to use RPI in your setting?

In what situations would the setting consider it appropriate for authorised staff to use RPI?

What kind of actions would be viewed as requiring use of restrictive physical intervention in your setting?

What kind of actions involving use of physical intervention would be viewed as unwarranted, excessive or punitive in your setting?

What course of action will be taken in the event of staff failing to comply with this policy?

How will the setting involve parents and others who know the child / young person in the process of developing individual behaviour management plans?

What process is to be used to agree and ratify individual behaviour management plans for use in your setting?

How will individual behaviour management plans be recorded?

What action does the setting intend to take to assess and manage the risks presented by children and young people?

What actions will the setting take to access techniques and methods for implementing planned use of physical intervention and how will its use be controlled and monitored?

What kinds of unforeseen or emergency situations might staff find themselves in within your setting? What techniques will the setting acknowledge for use in these situations? How would such incidents be reported?

Who will provide staff and children and young people with support after incidents?

Who will check for injuries, provide first aid and arrange for medical aid?

Who will report injuries to the HSE?

How are incidents to be reported, recorded and notified?

How will your setting monitor and evaluate the use of restrictive physical intervention?

How will incident monitoring inform risk assessment and management?

How will complaints be investigated and by whom?

Page | 16

Have staff been on CAF training?

Have you considered developing a whole setting Restorative Approach to behaviour management?

Developing the Behaviour Policy

Taken from: *Behaviour and Discipline in Schools: a guide for head teachers and school staff* 2012

It is vital that the behaviour policy is clear, that it is well understood by staff, parents and pupils, and that it is consistently applied.

In developing the behaviour policy, the head teacher should reflect on the following ten key aspects of school practice that, when effective, contribute to improving the quality of pupil behaviour:

- A consistent approach to behaviour management;
- Strong school leadership;
- Classroom management;
- Rewards and sanctions²
- Behaviour strategies and the teaching of good behaviour;
- Staff development and support;
- Pupil support systems;
- Liaison with parents and other agencies;
- Managing pupil transition; and
- Organisation and facilities.

The school's behaviour policy should set out the disciplinary action that will be taken against pupils who are found to have made malicious accusations against school staff.

The behaviour policy should acknowledge the school's legal duties under the Equality Act 2010 and in respect of pupils with SEND.

Early Years Practitioners

This has been taken from the document: 'Writing your Behaviour Policy: Guidance for Early Years Practitioners'. The full version of which should be accessed through the County Behaviour and Attendance Manager.

Points to consider

How do you encourage positive behaviour in all children depending upon their ages and stages of development? For example:

Using praise and positive reinforcement;

Encouraging sharing and negotiation;

Staff/volunteers and peers being good role models and setting good examples;

Consulting with children when creating rules/boundaries (age dependent);

Helping children understand the consequences of their behaviour;

Helping children challenge bullying, harassment and name-calling;

² As the use of 'Restorative Approaches' develops across Cambridgeshire, it is expected that settings will move toward use of a 'Relationship Management Policy' rather than a 'Behaviour Management Policy', and in so doing, away from the notion of rewards and sanctions as detailed in this section.

Encouraging children to be responsible, for example, tidying up (depends on setting type), creating own rules;

Reassuring children they are valued as individuals even if their behaviour may sometimes be unacceptable.

How do you create a positive environment?

Think about suitable, age and development related and challenging opportunities/activities for the children.

Are routines and structures developed taking into account child or adult needs?

Think about any times of the day which are most difficult for the current groups of children in your setting.

What are your expectations of all staff with regards to behaviour management? For example:

Staff have read and understood the behaviour management policy

Staff are consistent in the use of techniques to encourage positive behaviour

Staff are consistent in the use of intervention techniques

Staff are good role models and set good examples for children.

How do you share and/or provide a copy of your behaviour management policy to parents/carers?

Do all staff/volunteers and students go through an induction process on starting employment covering behaviour management matters? Consider the awareness of who has responsibility for behaviour management and that staff understand the methods and intervention techniques that may be used.

Does your setting include children in creating ground rules/boundaries for staff as well as children?

How often are these ground rules/boundaries reviewed? Think about your knowledge about the current group of children and gathering their views and perceptions.

How do you make sure all staff are aware of approaches and interventions that can be used?

You may wish to include: 'Physical punishments, or the threat of them, are not used'. You may wish to include: 'We do not humiliate, isolate (segregate), withhold food or use a 'naughty chair' in managing children's behaviour, as this is detrimental to their self esteem'. You may wish to include: 'Staff do not use any form of physical intervention unless it is necessary to prevent personal injury to the child, other children, an adult or serious damage to property'.

You should record any incidents where physical intervention is used.

How do you do this? Where is this information recorded and stored? How do you tell parents/carers about the incident, requesting a signature? Do you make sure this is done on the same day?

Who is the designated member of staff with responsibility for behaviour management?

What are the roles and responsibilities of this member of staff? For example, supporting and sharing information with staff, leading on training and reviewing of setting practice and policies, accessing specialist advice, involving parents in the review of the policy.

Has the member of staff with responsibility for behaviour management been to appropriate training to help them with this role? Training is available through the Early Years Support for Learning team who support children with SEND. Make sure that where this cannot be achieved immediately an action plan for the setting is set out detailing how this will be achieved. How is training being used to support all staff in reviewing their practice and understanding? Are regular observations undertaken to support understanding of individual children and review practice in the setting?

Preparing for the use of Restrictive Physical Interventions by Staff:

Model Template (taken from Team Teach)

These procedures support the application of the Cambridgeshire County Council policy and guidance on The Effective Management of Behaviour. All staff should study the policy statement carefully – it can be found **(soft copy in Staff Share/Policies; hard copy in the School Office).**

- 1. The person responsible for authorising staff to use restrictive physical intervention as part of a structured and planned intervention within this setting is **Mrs M Higgins**.
- 2. The person responsible for ensuring that all planned use of restrictive physical intervention is risk assessed is **Mrs M Higgins.**
- 3. Copies of all child's risk assessments are held **(soft copies in Staff Share/SEN)** and are reviewed after every use of force and termly.
- 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.
 No staff are training at present (Ensure details are reviewed / updated regularly)
- 5. Training records are held in the office and on individual HR files.
- 6. Those not involved in risk assessment but whose roles include the supervision of children and young people 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 of the setting or the deputy if the head is off site. The head or deputy will ensure that a parent of the child who has had force used against them is notified that day, ideally in person or telephone.
- 8. In addition, the details of each use of physical intervention must be recorded on the Intervention Incident Record Form that is held in the Headteacher's office. ³The person leading the planned or unplanned intervention must complete this form. The head / manager will review every use of physical intervention.

³ This form can also be found in Appendix G of the document: Cambridgeshire policy and guidance on the Effective Management of Behaviour. Including Restorative Approaches and Appropriate use of Physical Intervention.

Appendix E

Risk Assessment and Reduction Plan: Adapted from the Specialist Teaching Team

This can be used in conjunction with APPENDIX J (De-escalation and Diffusion Strategies) When considering possible trigger / risk behaviours

<u>.</u>	
School / Setting	Child's Name
DOB	Group / Class
Date of plan	Plan Co-ordinator

Key behaviour resulting in potential harm	
Potential harm (detail)	

Praise points	
Strengths	
Environmental factors to consider	
Strategies to be avoided	

Build up of key	Risk reduction measures
behaviours / triggers	
Low level behaviours	Low level staff responses
-	
-	
-	
Medium level behaviours	Medium level staff responses
-	
-	
-	



High level behaviours	High level staff responses	
-		
Debrief preferences		

Signatures of all involved in supporting child:

Parent / Carer:	Date:
Child (if appropriate):	Date:
Plan Co-ordinator:	Date:
Class Teacher:	Date:
Teaching Assistant/s:	Date:
Others:	Date

Appendix F

Risk Assessment for Early Years Settings

Name:

Risk Factor:				
Potential hazardous and risky activities identified	Risk to child	Risk to others	Procedure	Benefits to child

Risk Assessment completed by:

Date:

Parent/Carers signature:

Review date:

Appendix G

Physical Intervention Record (record in the bound Blue Book)

Name of Pupil	Date
Staff Involved	Time
Incident number	Duration
Location	
Reason for Intervention:	

To prevent a pupil from doing or continuing to do any of the following:

Please tick box(es)

- 1. Self harming;
- 2. Causing injury to other children, staff or children;
- 3. Causing damage to property;
- 4. Committing any offence;
- 5. In school settings, any behaviour prejudicial to the maintenance of good order and discipline within the school or among any of its pupils.

Name of witness/witnesses:

De-escalation Strategies used:

Physical Intervention used:

Single elbow standing Single elbow seated Small child escort

Double elbow Figure of four Other T−₩rap standing T=₩rap seated

What happened immediately before the incident?

Description of incident (including pupil's response):

Follow up (debrief, accident forms, further action):

Discussion with st	aff:							
Signed			D	ate				
Pupil's comments:								
Signed			D	ate				
Give details of any	injury s	ustained by per	sons ar	nd/or dar	nage	e to prope	rty:	
Was injury reported	using Forr	n IRF(96)?						
Parent/carer infor	med?							
By letter	Date	By telephone		Date				
Home/school diary	Date							
Record completed by	/							
Name		Signed		Date				
Name		Signed		Date				
Copies to:								
Class teacher Pupil file		Headteacher Parent/carer						
Copy of the form se access@cambridgeshire.		e attention of the	County	Behaviour	and	Attendance	Manager	to

Appendix H

Recommended Protocol for Child Exiting the Room or Premises Following an Incident

Advice currently given to schools by Team Teach Tutors and the Local Authority

- 1. Settings should have a plan in place for the member of staff supporting the child or young person to be able to summon assistance and a strategy for notifying a 'critical friend' that the child or young person is about to / has exited the building (e.g. red card.)
- 2. Staff should not physically prevent the child leaving the room or building unless there is immediate risk of harm
- 3. Assigned member of staff should follow the child at a safe distance, keeping them in their sight if possible; they should proceed in a calm manner; they should not run or shout to the child or young person. If it is possible to communicate with the child or young person they should use the Team Teach Help Script using a calm voice:

'John (*name of child*) John (*use child's name to gain their attention*) I can see there something is wrong / has happened

I'm here to help

Come on let's talk about it / let's sit down here together / let's walk back together (*as appropriate*)'

The script is developed to allow a simple message to be communicated without misunderstanding or provoking an argument. The framework avoids the use of 'you' and there is a 'no blame – no threat' message throughout. Once the individual child's needs and difficulties are known the script can be personalised to include the strategies set out in the risk reduction plan (see appendix E).

- 4. Back at the setting the 'critical friend' should alert the office that the child has left the premises. The receptionist should phone parents and the local police; staff should obtain the number of the local police station, not phone 999. Having passed on the message the 'critical friend' should then follow the member of staff supporting the child, collecting a mobile phone or walkie-talkie from the office, if possible. This will enable them to remain in contact with the setting office so parents / police can be informed about the child's current whereabouts.
- 5. Once the child has returned safely and has had time to calm down a post incident support de-brief should follow (see appendix I for an example).
- 6. Following an incident when a child has exited the site a risk reduction plan should be put into place (see appendix E). This will help staff to identify the triggers and escalation of behaviours that have resulted in the child running out of the setting and to plan appropriate strategies to intervene at an early stage to divert and offer support to reduce the likelihood of a recurrence of the incident. The risk reduction plan should be drawn up in consultation with parents and all parties should sign on the back to give their agreement.

Appendix I **Post incident Management. Example Strategy**

Life Space interview

Fritz Redl, an Austrian psychoanalyst, with his colleague David Wineman, developed the Life Space Interview (LSI). He saw crises (such as those involving restrictive physical intervention) as opportunities for the child or young person to learn new ways of behaving, provided that appropriate support was provided. It is important that this support is provided when the child or young person has calmed sufficiently to be able to reflect on what has happened – this may be as much as 90 minutes or more after the event has finished.

The process can be remembered through the acronym **I ESCAPE**

Isolate the young person Explore the young person's view Share the adult view Connect with other events Alternatives – consider the possibilities Plan how the alternatives might be put into place Enter the normal routine

Staff may choose to record the LSI process through the record forms below (boxes will need expanding). Staff will make a judgement about whether to record the discussions themselves or whether to allow the child or young person to record their view independently. In both cases, it is important to allow the child or young person an opportunity to sign the record form.

Life Space Interview – recording form

Setting:

Name of Child / Young Person:

Incident Date / Time:

Signature of professional completing the form:

Signature of Child / Young Person:

Isolate the child or young person – into a neutral setting where it is possible to think and talk about what has happened. This has nothing to do with punishing, but with reducing the amount of distraction and stimulation, in order to maximise the chances of a helpful conversation. It will be important to allow the child or young person time to wash their face, and fix their clothes etc. before the discussion begins.

Use this space to briefly record how this was achieved and what was found to work well, or not so well, for future reference.

Explore the child or young person's view. This stage comes before sharing the adult view, as the child or young person will feel most willing to receive this after they feel that they have been listened to with respect and without interruption or correction. This involves listening to their perception of what happened, and trying to gain an understanding of why they chose the behaviour that they chose, the impact of the physical interventions and exploration by the adult of the younger person's needs/feelings. It's helpful to encourage the child or young person to reflect on whether they feel their choices were good. This may require considerable prompting and encouragement plus a high emphasis on active listening skills.

Use this space to briefly record the child's perspective of the incident.

Share the adult view. The LSI process recognises that there will be more than one point of view. This is the stage for the adult to explain why certain courses of action were taken, the "reality rubin" where the adult communicates their perception of events (in a supportive rather than punitive way). The adult identifies what they did to try to help the young person avoid physical interventions, and shares their views about how they interpreted and reacted to the situation. If there was more than one adult involved (including those involved as observers) it may be helpful to include those adults in the LSI process.

Use this space to record (bullet points) the adult perception, and responses to the incident.

Connect - with other events that the child or young person has managed well, or not so well, so that the child or young person can look for patterns that help make sense of what happened, and which offer hope of different solutions. It's helpful also to help the child or young person look for a connection between what they thought, how they felt, and what action they took.

Use this space to record any identified patterns of behaviour or links between thoughts/feelings and actions. These can be useful in the future in prompting/reminding a child/young person or in informing staff responses.

Alternatives - what other options are available to the child or young person if they face a similar situation again? It is helpful to include discussion about the child or young person's view of how adults can best support them in similar situations. This will offer an insight into the most appropriate "reactive strategies" for responding to difficulties in future.

Use this space to summarise alternative strategies explored.

Plan - by choosing the best option from the alternatives, and discussing what role the child or young person, and those around him or her, can have. How will new skills be taught and practised? How will the child or young person be rewarded and supported in following the plan? (There should be a clear link between these plans and any approaches recorded on individual behaviour plans.)

Use this space to outline the plan agreed for the future, and how this will be communicated to others.

Enter the normal routine that the child or young person follows, at a time when it is easier to rejoin the group, such as at the end of a lesson, or after break time. Support the child or young person in managing the consequences of their behaviour.

Use this space to record agreed strategies, and post-incident to record whether or not the strategy was successful, for future reference.

Appendix J

De-escalation and Diffusion Strategies for Behaviour Management based on some of those used by Team Teach / Proact-Scipr-UK®

The schedule below offers a combination of strategies based on those promoted by both Team Teach and Proact-Scipr-UK \mathbb{R} . It offers a staged model for recognising and responding to an escalation of challenging behaviour. It is intended for guidance only as the plan for each individual child / young person should reflect his/her own individual pattern of behaviour, needs and those interventions identified as being successful over time.

This can be used in to help inform the risk reduction plan (appendix E)

Stage 1 Anxiety / trigger	
Low level behaviours may include:	Low level staff responses
Child/young person shows signs of anxiety Hiding face in hands or bent over / under table Pulling up collar or hood Rocking or tapping Withdrawing from group Refusing to speak or dismissive Refusing to co-operate Adopting defensive positions	Read the body languageRead the behaviourIntervene earlyCommunicate – offer helpUse appropriate humourDisplay calm body languageTalk low, slow and quietlyOffer reassurance – including positive physicalpromptsAssess the situation and consider theenvironmentDivert and distract by introducing another activityor topic
Stage 2 Defensive / escalation	

Medium level behaviours may include:	Medium level staff responses
Child/young person begins to display higher tension	Continue to use Stage 1 responses State desired behaviours clearly
Belligerent and abusive Making personal and offensive remarks Talking louder – higher – quicker Adopting aggressive postures Changes in eye contact	Set clear enforceable limits Offer alternatives and options Offer clear choices Give a get out with dignity
Pacing around Breaking minor rules Low level destruction Picking up objects which could be used as weapons	Assess the situation and consider making changes to the environment to make it safer and to summon help Guide the child/young person towards safety
Challenges – 'I will not you can't make me'	

Stage 3 Crisis

	High level behaviours may include:	High level staff responses
-	Shouting and screaming	Continue to use Stage 1 & 2 responses

Uncontrollable crying Damaging property Moving towards danger Climbing trees, roofs or out of windows Banging on or threatening to break glass Use of objects as weapons Hurting self Grabbing or threatening others Hurting others (kicking – slapping – punching)	Make the environment safer Move furniture and remove weapon objects Guide assertively – hold or restrain if absolutely necessary Ensure face, voice and posture are supportive not aggressive Send for help / consider change of personnel to defuse situation, if possible and appropriate Consider making changes to the environment to defuse and de-escalate
Stage 4 Recovery	
Recovery behaviours may include: Please note the recovery phase can easily be confused with the anxiety phase	Staff recovery responses
Child/young person may sit quietly in hunched position The difference is that they may revert to extreme anger without the build up associated with the normal escalation in stage 2	Support and monitor This may not be a good time to touch as touch at this phase can provoke a reversion to crisis Give space Look for signs that child/young person is ready to talk Consider the environment
Stage 5 Depression	
Depression behaviours	Staff responses to depression
After a serious incident child/young person can become depressed •They may not want to interact but need support and reassurance	Support and monitor Respond to any signs that the child/young person wants to communicate Show concern and care but do not attempt to address consequences of the incident at this stage
Stage 6 Follow up	
Listening and learning	Staff responses during and following debrief
	 When the child/young person has had time to calm down find a quiet neutral place in which to meet with the child/young person to debrief Follow up any disciplinary or restorative issues Review Risk Reduction / Care Plan to consider how to avoid similar events in the future Communicate with child/young person in manner appropriate to their age, understanding and development Report, record and review

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