

# Physical Intervention

## Health & Safety Management Standard

### Issue 2 (March 2017)

## Introduction

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This document contains corporate standards and guidance on the control and restraint of children and young people, including the use of force in schools and other settings. It is the responsibility of Key Managers to ensure that all instances of physical intervention are undertaken in line with this document (and any other guidance referred to herein) in any area/premises under their control.

This document must be read in conjunction with any additional guidance specific to divisional issues or activities. This document also supersedes Schools Bulletin No. 34 'Physical Intervention Guidance' issued in May 2011.

## Key Managers' Checklist – Physical Intervention

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The checklist given below identifies key actions involved in managing the risks of using physical intervention to control and restrain children and young people. Further information on each of these points is contained in this document.

1. Are all relevant staff aware of when the use of physical intervention/restraint is permissible?
2. Is the use of physical intervention to control or restrain children and young people in accordance with the guidance set out below?
3. Are all relevant staff fully trained in the safe use of physical intervention techniques?

## Background

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Changes to the law came into force on 1<sup>st</sup> September 2010 including new powers to search pupils and the requirement to report significant incidents including physical intervention to parents.

This guidance puts de-escalation strategies first but recognises that the need to use force does arise, and deals with these situations. It will improve outcomes for children and young people as well as parents and staff. All Local Authority settings (including schools) must have a policy in this area. Full details are given in this Guidance. Existing procedures should be reviewed to ensure they reflect the guidance contained within this document.

# Physical Intervention Guidance:

(Revised )

## The Use of Reasonable Force to Control or Restrain Children and Young People

All 'settings' where the local authority is the employer are required to comply with this guidance. Settings include: Residential, Nursery, Infant, Junior, Primary, Secondary and Special Schools, other residential settings, Pupil Referral Units, Playgroups, etc.

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### Related National Documents:

DCSF: The Use of Force to Control or Restrain Pupils – Guidance for Schools in England

Section 93 of the Education and Inspections Act 2006

Section 246 of the Apprenticeship, Skills, Children & Learning Act 2009

DfES: Managing Medicines in Schools and Early Years Settings

DfES: LEA/0242/2002 - Guidance on the Use of Physical Intervention for Staff Working With Children and Adults Who Display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders

DfES: LEA/0264/2003 – Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties

DH: Children Act 1989 Guidance and Regulations Vol. 4 - Residential Care

DH: Children's Homes National Minimum Standards - Children's Homes Regulations

# 1. Introduction

- 1.1. In this guidance the term pupil is used to refer to children and young people as appropriate in all of the settings to which it applies.
- 1.2. Each setting **MUST** have its own current behaviour policy in place. An effective and credible use of force policy must stand alongside or be embedded within this behaviour policy. The Local Authority expects all settings to implement and adhere to the guidance given in this note in order that legislative requirements and recognised good practice guidance are adhered to. Schools should never seek to inhibit the ability of staff to use force by adopting a 'no contact' policy.
- 1.3. When the child joins the school, and every year subsequently, parents will sign the school's home-school agreement accepting its behaviour rules. Where a policy on use of force is included in the school behaviour policy it should be made clear to parents that, in signing the HSA, they are acknowledging the school's power to use reasonable force on their child in the circumstances described in the policy.
- 1.4. From September 2010, the power to search pupils without their consent will be extended to include searching for alcohol, illegal drugs and stolen property ('prohibited items').
- 1.5. The Children Act 1989 states that the welfare of the child is paramount. This guidance is intended to support the *Every Child Matters* programme, in particular:
  - **Being healthy:** enjoying good physical and mental health and living a healthy lifestyle
  - **Staying safe:** being protected from harm and neglect
  - **Enjoying and achieving:** getting the most out of life and developing the skills for adulthood
  - **Making a positive contribution:** being involved with the community and society and not engaging in antisocial or offending behaviour
- 1.6. The intention of this document is to provide settings with guidance on the circumstances in which physical intervention may be appropriately used, procedures that should be in place and the techniques that are considered to be suitable. Successful inclusion of more pupils in mainstream settings increases the need to assist all staff in preserving good order and discipline within an environment conducive to meeting the needs of all pupils. It is vitally important that staff, pupils and parents understand these procedures and the context in which they apply.
- 1.7. Furthermore it is intended to ensure that staff are clear about their role when they are working with children in order that both their own rights and those of children are protected.
- 1.8. This guidance sets out the framework for the use of physical interventions in a general sense while recognising that there are circumstances that will require more particular approaches. Any use of physical interventions, however, should always be set within the guidance of an overall behaviour management framework that is

informed by sound risk assessment.

- 1.9. Within the settings covered by this guidance, a wide and complex set of differing individual needs and difficulties are presented. The variety of types of behaviour that can be classed under the general heading of 'challenging behaviour' reflects this range. Strategies for dealing with such behaviour need to be varied and matched carefully to particular circumstances and individual needs.
- 1.10. Although the vast majority of pupils in settings will never require any form of physical intervention, many staff in these settings deal on a day to day basis with some pupils who exhibit challenging behaviours. In these cases it is advised that these settings carry out a suitable and sufficient risk assessment. Guidance on risk assessment principles is provided later in the document.
- 1.11. The risk of accusation of improper conduct towards a pupil must be minimised in order that the staff may act appropriately in difficult circumstances. These guidelines support the need for physical intervention as one of the strategies available for the management of challenging behaviour.
- 1.12. This guidance takes cognisance of Child Safeguarding Procedures. Consultation included, amongst others, Teachers Negotiating Committee, Children and Young People's Services Safety committee, UNISON, the local Safeguarding Children Board, Police, Headteacher representatives and the Behaviour Support Team.

## 2. Statutory and Legal Framework

- 2.1. It is important to intervene at an early stage of challenging behaviour in order to avoid situations where control is lost and damage may occur, both emotional and physical, to the pupil, member of staff and property. Sir Herbert Laming made this clear in the guidance *'The Control of Children in the Public Care Interpretation of the Children's Act 1989 (1997).'* He commented that sometimes "the last resort" policy looked suspiciously like an "excuse for doing nothing." In this guidance Sir Herbert Laming was also clear that "harm" was not limited to severe physical injury as some had suggested. A reasonable parent would attempt to protect children against moral harm and try to prevent them from placing themselves at risk from indulging in criminal behaviour. Professional carers who are responsible for other people's children are expected to act as reasonable parents. They owe a duty of care.

**However, the law requires that force is used as a last resort and practical methods to de-escalate a situation should be considered first.**

- 2.2. Section 93 of the Education and Inspections Act 2006 replaces section 550A of the Education Act 1996 and enables all school staff to use reasonable force.
- 2.3. This guidance focuses on physical control and intervention (positive handling strategies) and circumstances when it is appropriate to use minimum physical force to prevent pupils moving into serious danger. If appropriate, initial action might be to alert the pupil to the consequences of their actions. However in some circumstances this may not be practical or appropriate and therefore physical intervention may be appropriate. These circumstances may include when a pupil may not be capable of understanding the impact of their actions on themselves or others.

- 2.4. Physical intervention is an action of last resort and is not a substitute for behaviour management strategies. Settings are required by law to have a clear behaviour policy.
- 2.5. Physical intervention is qualitatively different from other forms of physical contact. There will be occasions where the context of the teaching/parenting approach and the individual needs of the pupil may require some form of physical contact. For example staff working with pupils with severe and complex learning difficulties may use physical prompting in order to manually guide a pupil through those parts of an action that the pupil finds difficult.

Specific guidance in relation to pupils with special needs is given in Section 6.

- 2.6. Physical intervention, should only be used as a last resort and never as a matter of course. It should never be used as a sanction or punishment as this is illegal. It can be used proactively as a planned approach towards meeting an individual need or in case of an emergency when there seems to be a real possibility that significant harm would occur if intervention were withheld.

## **2.7. Circumstances requiring the Use of Physical Intervention/Restraint**

Section 93 of the Education and Inspections Act 2006 enables school staff to use reasonable force to prevent a pupil from:

- a. committing a criminal offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- b. causing personal injury or damage to property; 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:

- i. any member of staff at the school
- ii. any other person whom the head has authorised to have control or charge of pupils. This can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as unpaid volunteers (for example parents accompanying pupils on school-organised visits); and
- iii. does not include any pupils

## **2.8. Reasonable Force**

The Local Authority acknowledges that there is a fine line to be drawn between advice that will be helpful to clarify where reasonable force might be used as the last resort, and advice that may precipitate violent reactions in pupils. The purpose of this guidance is to ensure that this is clearly understood and that physical intervention using reasonable force is only used as a last resort.

Although there is no legal definition of reasonable force, guidance from the DfES draws attention to two relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. For example, physical force could not be justified to

prevent a pupil from committing a trivial misdemeanour, in a situation that clearly could be resolved without force.

- The degree of force used must be in proportion to the circumstances of the incident and the seriousness of the behaviour and the consequences it is intended to prevent. Only the minimum force needed to achieve the desired result should be used.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age, understanding and sex of the pupil and ultimately would be a decision for the courts.

## 2.9. Types of incident where the use of force would be reasonable

The DfES identifies three broad categories of incidents where the use of force may be appropriate:

- ***Where action is necessary in self-defence or because there is an immediate risk of injury.*** Everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so. Likewise, if a pupil was at immediate risk of injury or on the point of inflicting injury on someone else any member of staff would be entitled to intervene.
- Where there is ***a developing risk of injury, or significant damage to property.***
- Where a pupil is ***behaving in a way that is compromising good order and discipline.***

Examples of situations that fall within one or more of the above categories are:

- A pupil attacks a member of staff or another pupil
- Pupils are fighting
- A pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property
- A pupil is causing or may cause injury or damage through rough play or misuse of dangerous materials or objects
- A pupil is running in a corridor or on a stairway in a manner which might cause an accident to themselves or possible injury to others
- The pupil absconds from a class or tries to leave the setting and may be at risk through doing so

## 2.10. Authorisation of Personnel and Training

All members of school staff are authorised by law to use force. Headteachers can also decide whether to authorise for a limited time volunteers at the school although this should be in exceptional cases only. Such individuals should be given clear instruction on when the power can be used and on the school's policy and practice.

The Key Manager/Headteacher must inform all staff (particularly supply staff) of the policy on behaviour management and physical intervention.

Training and guidance will be required on a repeating basis on this matter. In addition to identifying which staff must receive this training, the Key Manager/Headteacher must ensure that all staff receive de-escalation training. Settings should seek to maintain a list of suitably qualified trainers. In particular, settings must ensure that all new staff are made aware of the physical intervention policy and are appropriately trained.

The Key Manager/Headteacher must maintain an up-to-date list of authorised people and ensure that these individuals know who they are, what strategies they may use and the limits to actions they may take.

The Headteacher or delegated senior member of staff is advised to do the following:

- a. as part of a staff induction, set out staff members responsibilities in relation to the school policy on use of force; and
- b. ensure that all authorised staff know that they have the power to use force.

### **3. Promoting Good Practice**

- 3.1. Where a team undertakes the management of pupils, whether it is in a residential or school setting, it is essential to develop a set of procedures. These should be aimed at preventing difficult behaviours and include learning about complex emotions including anger and frustration.
- 3.2. Irrespective of whether incidents occur during work with individuals or groups of pupils, early emphasis should be on managing the incident through de-escalation using non-physical, non-threatening, aggression-free strategies. Only in the event of the failure of clearly defined protocols to bring control to the situation, or imminent danger to persons or property, should physical intervention be considered. These principles are explored further below.
- 3.3. Where settings are catering for children with severe emotional and behavioural difficulties or challenging behaviour all staff should be provided with written guidance on permissible methods of physical intervention. In some settings, this will be specific as part of an agreed individual education plan or “handling strategy” agreed with parents. Other settings may consider this practice.

### **4. Physical Intervention Procedures**

- 4.1. As soon as a member of staff has decided to intervene physically in order to prevent injury occurring to any person, or serious damage to property, then she/he should:
  - Give one or more clear instructions warning the pupil of the consequences of failure to comply prior to restraint. Note: this warning must not comprise any threat of unlawful assault.
  - Employ minimum physical force necessary for the minimum period needed to restrain the pupil;

### **Unacceptable Practices:**

- Regulation 8 of The Children Act 1989 and Regulation 17 of Children's Homes Regulations 2001 make clear that staff should not act in a way that might reasonably be expected to cause injury, e.g. by:
  - Twisting or forcing limbs against a joint
  - Pinning pupils against walls or furniture
  - Slapping, punching or kicking at pupils
  - Techniques which restrict circulation or breathing
  - Holding or pulling a pupil by the hair or ear
  - If possible, avoid (except in very extreme circumstances) holding a pupil face down on the ground.

In addition to the above, staff should avoid:

- Any holding which may be interpreted as being of a sexual or indecent nature, e.g. keep hands away from the upper thigh or breast region
- Sitting on pupil

### **Good Practice:**

- Whenever possible, summon a second member of staff. The importance of the presence of a colleague is twofold:
  - Another member of staff may be able to reduce the risk of the member of staff or pupil suffering bodily harm - a solitary person is in a very exposed position if, for example, a fight is in progress
  - There is a witness if allegations of assault are subsequently made by a pupil or parents
- Consideration of gender issues should be made in relation to how a pupil is held, and who holds the pupil
- Remove, as far as is possible, onlookers and observers who are not essential to the control of the situation
- Staff should be made aware that there may be some pupils for whom touching is particularly unwelcome. For example, some may be particularly sensitive to physical contact because of their cultural background or because they have been abused. It is important that all staff receive information on these pupils.
- Always attempt to maintain the dignity and self-respect of the pupil both during and after the restraining process



- Keep talking to the pupil throughout the incident repeating that the restraint will stop as soon as it ceases to be necessary (unless an individual protocol is in place)
- Try to ensure a calm and measured approach to the situation. Never give the impression they are acting out of anger or frustration, or are trying to punish the pupil - whilst keeping their temper under control and avoiding committing any act of punitive violence
- The pupil's release from restraint should be planned, agreed and gentle. Close supervision of the pupil will be necessary. A teacher (or senior member of staff) should explain the reasons for the use of restraint and the pupil's views on the incident should be sought
- Refer staff and/or pupil to a first aider for first aid or as appropriate for further medical attention (e.g. GP, casualty, etc.). These issues should receive immediate attention and be thoroughly recorded at the time
- Consideration should be given to requesting a medical examination for the pupil or any staff affected by the incident
- The pupil may refuse a medical examination. Details of the events and any injuries must be noted on the pupil's file as soon as they are apparent or diagnosed by a GP
- A designated member of staff must ensure that the pupil's parents/carers/placing social worker are advised of the use of restraint
- If other pupils are distressed, they must also be offered support
- A Headteacher/Key Manager can insist that a member of staff should leave work if there are medical/psychological concerns *arising from the incident and its effects on the member of staff*. The Health and Safety Management Standard 'Assaults On Staff' (interpreted as appropriate for different settings) may be applicable in some circumstances (see Appendix 7)
- Headteachers/Key Managers may wish to consider whether other support may be helpful in assisting a member of staff emotionally affected by an incident involving physical restraint. This would include staff both directly and indirectly involved in the incident. Health and safety procedures outline the actions which should be taken for affected staff, post-incident. This may include staff debriefings, time-out, access to counselling, insurance information and so on
- Following an incident, debriefing should be offered to staff and pupils, including those witnessing the event
- Ensure that a record of the incident is completed immediately afterwards. This is most important in all cases and it is particularly important to ensure supply staff are aware of this.

## 5. Ground Recovery Holds Procedure

- 5.1. Ground recovery holds must only be carried out by staff certificated to an advanced level; this certificate should be re-accredited annually; they should also hold a current advanced first aid qualification.
- 5.2. All critical incidents involving ground recovery holds must be reported to the local authority. This should take place within 24 hours via email to; <mailto:corporatehealthandsafetyteam@leicester.gov.uk>
- 5.3. Written records need to be received within 3 working days following the ground recovery incident.
- 5.4. It is required that all services using ground recovery techniques to submit their monitoring forms on a two monthly basis to the local authority. Nil returns are required as these provide valuable information too. This is to ensure the local authority is fulfilling its statutory duties.

## 6. Positive Handling Plans

- 6.1. A 'Positive Handling Plan' is used to refer to the measures the setting has agreed to support and manage a particular pupil who behaves in ways that pose risk. This plan may be referred to in settings by other names, such as individual plan, support plan or care plan, etc. (A checklist for positive handling plan is provided. See Appendix 5)
- 6.2. Where a pupil has been 'held' by physical intervention or it is anticipated that this action may be needed in the future a 'Positive Handling Plan' must be prepared and shared with those that have parental responsibility.
- 6.3. The annual review of statements for pupils with special needs will be a time to address issues of challenging behaviour and identify planned approaches for individual pupils. However the severity of a situation may warrant an emergency annual review, as waiting for the allocated annual review may in most cases not be appropriate.
- 6.4. Those pupils who exhibit challenging behaviour but are not statemented should be identified through the SEN Code of Practice and have an individual educational plan (IEP), or/and an individual care plan that also addresses these issues. There is also a need to carry out an individual risk assessment on the pupil (see section 7 for further information).
- 6.5. Positive Handling Plans should be reviewed at intervals of no less than 12 weeks and after every incident in which ground holds are used.

## 7. Pupils with Special Educational Needs

- 7.1. Pupils with special educational needs within Leicester are educated in a range of settings such as mainstream schools, special schools, etc. Some of these pupils may present disturbing, distressing and challenging behaviour, which may result in self-injury, injury to others or damage to property. Behavioural management should be informed by the Local Authority guidelines, whole behaviour policies and

reference to the Code of Practice on the identification and assessment of pupils with special educational needs.

- 7.2. All settings should establish firm boundaries of behaviour for all pupils. Appropriate standards of behaviour should be expected and those expectations should be set out clearly – for example within the school prospectus or in the ‘Statement of Purpose and Function’ and ‘Young People’s Handbook.’ Good practice suggests that certain basic principles should be observed in responding to difficult behaviour. This would be relevant to all pupils with special educational needs.

### **Residential Settings**

- 7.3. Those operating within a residential setting should, in addition to previous guidance, be aware that the following practices are prohibited.

#### Deprivation of food and drink

This includes the denial of access to the amounts and range of foods and drink normally available, but would not include instances where specific food or drinks have to be withheld from a pupil on medical advice. Equally, it would be inappropriate to force a pupil to eat foods which s/he disliked.

#### Restriction or refusal of visits/communications

Restriction or refusal of contact as a punishment is not permitted, but it is recognised that pupils sometimes need to be protected from visits. It will continue to be legitimate to control unplanned visits.

#### Requiring a pupil to wear distinctive or inappropriate clothing

This should be taken to include any recognisable punishment uniform or badge, and clothes, footwear or hairstyles which are inappropriate to the time of day and/or the activity being undertaken. Uniform or distinctive clothing such as sports kit, school uniform or any uniformed organisation such as Scouts or Guides is, of course, excluded when worn appropriately.

#### The use or the withholding of medication or medical or dental treatment

This would be a dangerous and utterly unacceptable practice and is accordingly totally forbidden in all circumstances, whether as a disciplinary measure or otherwise to control the pupil.

#### The use of accommodation to physically restrict the liberty of any pupil

Locking external windows and doors at night time, in line with domestic security, is not included in this prohibition, nor would refusal of permission to go out constitute a restriction of liberty.

#### Intentional deprivation of sleep

Apart from the grave psychological damage deprivation of sleep could inflict, it could also seriously affect the physical health of the young person.

#### Imposition of fines

Fines imposed by courts must be paid, but it is inappropriate for others to fine pupils as a sanction. However, it would be proper in the case of wilful damage or misappropriation of monies or goods belonging to others, for the perpetrator to be required to pay for, or make a contribution towards the cost of repairs or replacement. Withholding part of pocket money for misdemeanours is not an inappropriate sanction, but its use is best restricted to cases of wilful damage, etc. In any case, no more than a maximum of two-thirds of a pupil's pocket money should be withheld.

#### Intimate physical searches

Intimate physical searches of pupils are totally unacceptable. Occasionally, but not as a punishment, a search of a pupil's clothing may be necessary e.g. for weapons. If it is suspected that the pupil has secreted drugs on his/her person, then the police should be notified.

An accessible procedure for effectively receiving and dealing with complaints must be adopted by each establishment.

The application of the policy will require careful introduction and an on-going commitment to induction and training of staff by the establishment.

### **Social, Emotional and Behavioural Difficulties**

- 7.4. It is important to recognise and understand the needs of pupils who present emotional and behavioural difficulties and that these pose a range of challenges.

Disruptive behaviour, both deliberate and impulsive, arises from a pupil's current emotional/psychological state. This is frequently a consequence of disturbance that

has occurred in the pupil's history although it may also have an organic cause. There may be a lack of capacity on the part of the pupil to anticipate the consequences of their action for themselves, others and the environment. When this is perceived to be the case and the consequences are such that the pupil's safety and the safety of others is compromised then a positive handling plan must be in place.

### **Severe Learning and Communication Difficulties**

- 7.5. At another extreme, pupils with severe learning difficulties or communication difficulties present another set of challenges. They may lack self-motivation and self-care skills that, invariably, require staff to physically prompt, encourage or guide them to participate in activities that other pupils would join in naturally.
- 7.6. For such pupils, challenging behaviour may be a response to a particular situation that is disturbing to them. It may be an act of frustration as a result of being unable to express something or do something. In many cases it will be of a very individual nature, such that the particular triggers or circumstances are entirely unique to that individual. Physical interventions for this behaviour may need to relate much more closely to an Individual Positive Handling Plan designed specifically for each individual pupil and agreed with the parent/carer.
- 7.7. The complexity, range of need and consequent support for the pupil may be such that physical intervention is the norm, not the exception and thus each low and medium level intervention event would not be recorded unless there was a planned and specific intervention that would require this. These low and medium levels of intervention would, however, be recorded in the pupil's individual risk assessment and positive handling plan and be monitored through the review process.

Incidents and events that constitute LOW Level Intervention would include:

- 7.7.1. Limitation of movement through the use of high level or double handles to doors,
- 7.7.2. Leading by the arm.
- 7.7.3. Being held or assisted in maintaining a position e.g. sitting in a chair.
- 7.7.4. Use of reins, wrist straps, buggies for management and safety of the pupil out of school, etc. (especially in the early years)

Incidents and events that constitute MEDIUM Level Intervention would include:-

- 7.7.5. Removal of pupil from an activity.
- 7.7.6. Placing a pupil in a chair or other confined area with the intention of limiting mobility
- 7.7.7. Removal from an area of the classroom or playground.
- 7.7.8. Catching a pupil by whatever safe means is possible, to prevent them from harming themselves or others.
- 7.7.9. Holding a self –injuring pupil e.g. by the hands while they become calmer.

Beyond the LOW and MEDIUM levels of intervention, staff must follow the procedures described in the main document (although in individual cases, a protocol may be established with low and medium interventions).

## **8. Risk Assessment**

### **8.1. General Risk Assessment**

All settings must undertake a risk assessment at a general level in order to inform their policy. This will enable them to assess the existing environment/circumstances in order to gauge the potential triggers or factors that might provoke or exacerbate difficult behaviour.

Risk assessment and monitoring must carefully consider equality issues including race, ethnicity, gender, sexuality and disability.

Procedures for risk assessment must help staff identify activities or environments that are associated with risk.

These procedures should:

- 8.1.1. establish the likelihood of adverse outcomes for either pupils or adults
- 8.1.2. estimate the likely consequences if such outcomes were to occur
- 8.1.3. enable staff to take steps and seek assistance so as to avoid unreasonable risk to themselves (by referring to or defining suitable and sufficient control measures)
- 8.1.4. provide opportunities for staff to input into and inform the process.
- 8.1.5. provide opportunities for staff to provide feedback (e.g. unforeseen situations) as part of a monitoring and review process

### **8.2. Individual Risk Assessment**

Individual risk assessments should establish the possible consequences of using a particular method or methods of intervention involving an individual pupil when difficult behaviour occurs.

This individual risk assessment will identify the most appropriate intervention strategy to be used for individual cases. The type of physical interventions that may be used or authorised for use will be identified and ranked.

Each individual risk assessment will lead to the creation of an individual positive handling plan (PHP). The individual risk assessment will need to consider:

- 8.2.1. The history of behavioural difficulties and how such behaviour is often or may be presented by the individual
- 8.2.2. Trigger behaviours, including why such behaviours may occur
- 8.2.3. What interventions are most appropriate (look for the least restrictive physical intervention to respond effectively to foreseeable incidents).
- 8.2.4. What the potential hazards are, including who might be harmed and how, e.g. the pupil, the adult, bystanders, the property?
- 8.2.5. What possible outcomes, positive and negative, could arise from this physical intervention?
- 8.2.6. What are the likely outcomes if no action is taken?
- 8.2.7. How staff and other appropriate persons are kept informed of pupils who may present a risk and of those for whom there is an agreed protocol?

The PHP may note that doing nothing (planned ignoring) is a realistic course of action if it is taken deliberately in accordance with the behaviour management strategy and individual risk assessment for that pupil in those circumstances.

Review and record the findings of such an evaluation regularly and in every case following a physical intervention.

### 8.3. Risk Assessment Proforma

A sample risk assessment proforma is included in Appendix 4

## 9. Staff Development and Training

- 9.1. Headteachers/Key Managers should give consideration to the training of **all staff** through the School Development Plan/Induction and Foundation Standards, etc. and this should be linked to the *whole-school/establishment* behaviour policy promoting, as a priority, de-escalation strategies. As a starting point, this should include basic behaviour management training that promotes an understanding of the contexts of behavioural difficulties (why pupils behave as they do and that this may not mean the pupil is a deliberately naughty pupil). Further training may be necessary to manage the more extreme challenging and aggressive behaviour.
- 9.2. Teachers/child care practitioners and other staff who are authorised to control or restrain pupils must receive training in behaviour management as an integral part of training in intervention methods.
- 9.3. Teachers/child care practitioners and authorised staff should have regular training on knowledge, skills and values for the management of anger, intervention and post intervention action.
- 9.4. Settings should also deliver training for all staff so that their awareness is raised, even if they are not authorised to control or restrain pupils.
- 9.5. Settings need to ensure that, as far as possible, preparation and planning has taken place to identify areas where physical intervention might be used
- 9.6. Where pupils are identified as having challenging behaviour that may need physical intervention as a last resort, staff involved should have adequate and appropriate training made available.
- 9.7. In these instances, staff should only employ physical interventions that they have been trained to use.
- 9.8. Staff development should be organised to ensure that appropriate training on physical intervention or behaviour management is available if identified by or for a member of staff.
- 9.9. Headteacher/Principals and Governing Bodies/Management Committees, etc. should only contract trainers who have adopted the British Institute of Learning

Disabilities Code of Practice and who have been or are working towards being accredited through their Physical Interventions Accreditation Scheme.

- 9.10. Prior to contracting a trainer, Senior Managers are strongly advised to contact the Head of the Social Emotional Mental Health Team to discuss the provider's viability, authenticity and the appropriateness of trainers to meet individual need. Training provided should be accredited by the Institute of Conflict Management (ICM).
- 9.11. Advice regarding appropriate training courses and materials to be used can be provided by:

Social Emotional Mental Health Team, SEMH, New Parks House, Pindar

Road LE3 9RN

Psychology Service, Collegiate House, College Street, Leicester LE2 0JX

Education Inclusion Team, Keyham Lodge School, Keyham Lane, Leicester LE5 1FG for Secondary aged pupils

Health and Safety Team, Telephone 454 4300

Courses include the following:

- Positive Behaviour Management in the Classroom
- IEPs: Planning for Positive Behaviour Management
- Understanding and managing anger – our own and others
- Team Teach (a holistic approach to Behaviour Management including physical intervention techniques).
- And more...

## **10. Recording**

- 10.1. From September 2010 section 246 of the Apprenticeships, Skills, Children and Learning Act 2009 will require that governing bodies must ensure that a procedure is in place for recording each significant incident in which a member of staff uses force on a pupil, and for reporting these incidents to the pupil's parents as soon as practicable after the incident. Governing bodies must take all reasonable steps to ensure that staff follow the procedure. This is to ensure that parents are kept informed of serious events at school concerning their child. If reporting the incident to a parent would be likely to result in significant harm to the pupil, then the incident must be reported to the local authority where the pupil normally lives.

- 9.2 While ultimately only a court of law could decide what is 'significant' in a particular case, in deciding whether or not an incident must be reported, schools should take into account



a. An incident where unreasonable use of force is used on a pupil would always be

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- a significant incident
- b. Any incident where substantial force has been used (e.g. physically pushing a pupil out of a room) would be significant
  - c. The use of a restraint technique is significant
  - d. An incident where a child was very distressed (though clearly not over reacting) would be significant
- 9.3 The Law requires each parent to be informed of a significant incident where force has been used on their child. In this case 'parent ' has the meaning given by section 576 of the Education Act 1996, and will include people having day to day care of the child and the local authority where a child is the subject of a care order. Section 576 also deems the local authority as a 'parent' in the case of children who are looked after under section 20 of the Children Act 1989.
- 9.4 Ideally it is best to telephone parents as soon as possible after the incident before confirming details in writing. It is also good practice for parents to be given a copy of the school's policy on the use of force and information on post-incident support at the same time.
- 9.5 Additionally all incidents involving physical intervention must be clearly recorded **in a bound incident book with numbered pages immediately after the event.**
- 9.6 It is important that there is a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) where physical intervention is used. This contemporaneous written report **must** be made as quickly as practicable (whenever possible, this must be within 24 hours of the incident). This report may help prevent any misunderstanding or misrepresentation of the incident and it will be helpful should there be a complaint.
- 9.7 Immediately following any recordable incident the member of staff concerned must tell the Headteacher or a senior member of staff. The written report should then be provided as soon as possible thereafter and should include:
- The name(s) of the pupil(s) involved, when (date and time) and where the incident took place
  - The names of any other staff or pupils who witnessed the incident
  - The reason that physical intervention was felt to be necessary (e.g. to prevent injury to the pupil, another pupil or member of staff)
  - How the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation
  - A clear description of the restraint used, how that was applied, and for how long
  - The pupil's response, and the outcomes of the incident
  - Details of any injury suffered by the pupil, another pupil, or a member of staff and of any damage to property
  - Any medical treatment

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a signed copy of the report, countersigned by the person monitoring the incident.

## 11. Monitoring and Review

- 11.1. Where frequent physical intervention is required, the resource implication of procedures should be regularly reviewed. This should include the role of management in the support of staff.
- 11.2. Records of incidents must be monitored on an appropriate regular basis (at least termly and in the case of individuals, a frequency that is sensitive to identifying their particular profile) to inform planning at setting and individual *pupil* level and to also identify training issues. Monitoring reviews must be included in the Headteacher's report to the Governing Body or for settings that are not schools, reported to the Key Manager.

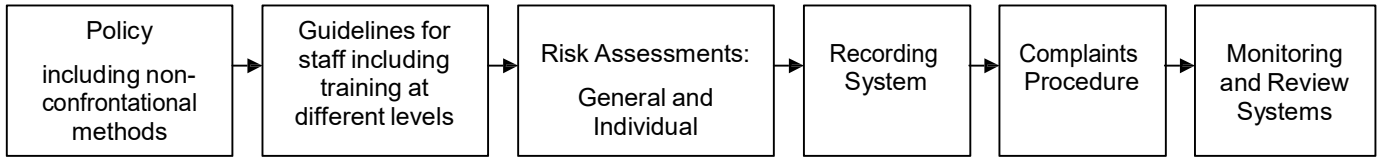
## 12. Complaints

- 12.1. To help avoid complaints, those with parental responsibility should always be contacted as soon as possible when an incident occurs with their child. A clear policy about physical contact with pupils should also help to prevent complaints from those with parental responsibility.
- 12.2. Any dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or by the police and the Local Authority under child protection procedures.
- 12.3. The possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action brought by a pupil or parent, cannot be ruled out. In these circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable taking all of the circumstances into account. In such cases, however, the panel, or court, would have regard to the provisions of section 93 of the Education and Inspections Act 2006. It would also be likely to take account of the setting's policy on restraint. **Where a member of staff has been following the school/setting restraint policy and is subsequently interviewed by the police he/she should make this clear at the beginning of the interview.** In such situations staff are, of course advised to seek advice immediately from their trades union/professional body. If staff are arrested then they are advised that they can call upon the services of the duty solicitor.

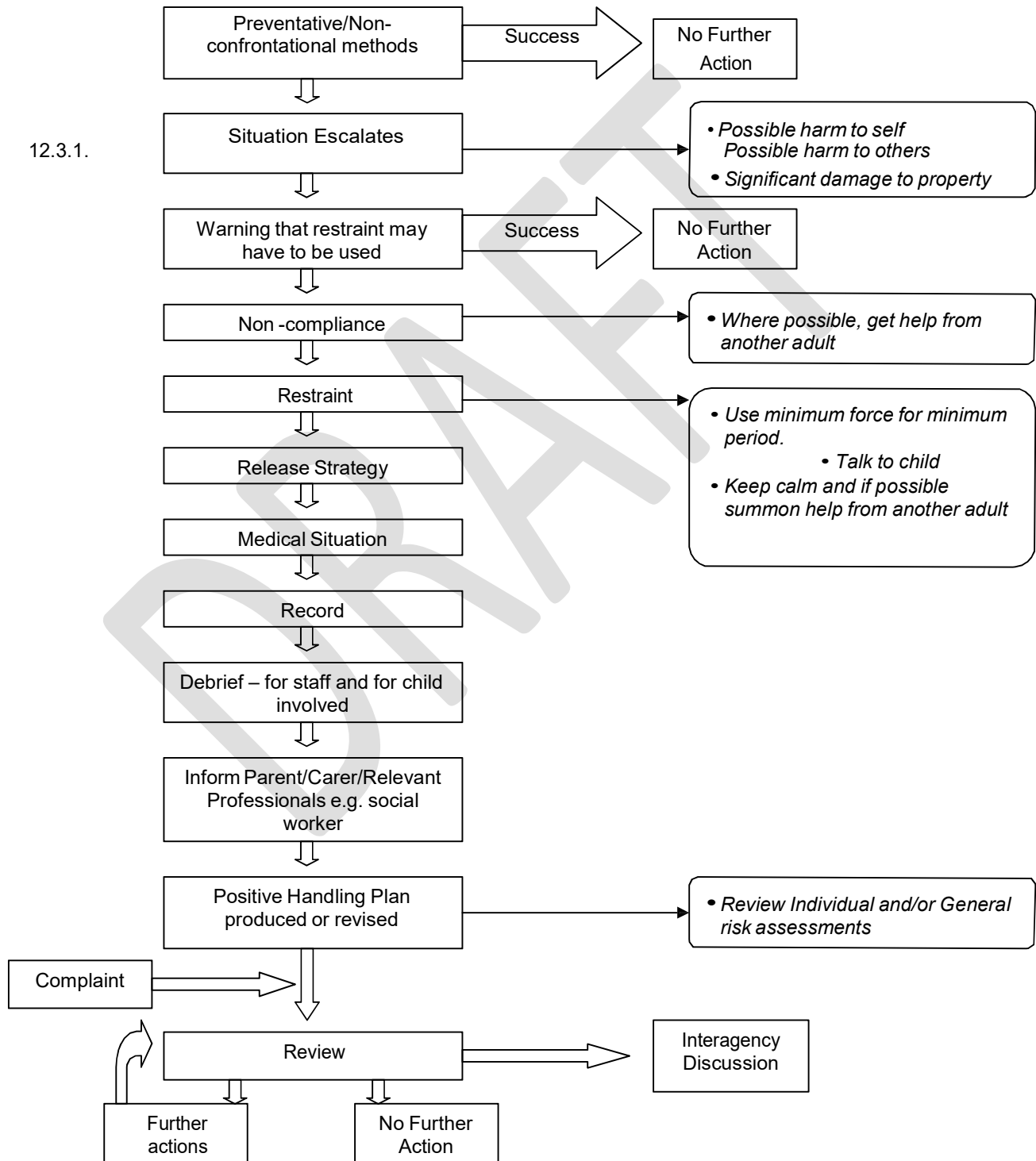
# APPENDIX 1

## Flowchart for Use of Physical Intervention

What Must Be In Place:



In The Event Of an Incident:



# Model Policy Guidelines for Settings

## Overview

These guidelines are designed to help settings to draw up policies covering the use of restrictive physical interventions with pupils with severe behavioural difficulties. A policy on the use of force including restrictive physical interventions should be an integral but discrete element of the setting's wider behaviour management policy. It is recommended that a policy should be organised into sections covering the following:

- introduction
- setting expectations
- positive behaviour management
- risk assessment and planning for use of restrictive physical interventions
- use of restrictive physical interventions in unforeseen and emergency situations
- post-incident support
- reporting and recording use of restrictive physical interventions
- monitoring use of restrictive physical interventions
- responding to complaints
- staff training

Each of these sections is considered in turn below.

Each section points to good practice and identifies issues to be addressed. It is intended that the guidance will be of practical assistance to settings when examining current setting practices and procedures, and developing a policy suited to local circumstances. It should be possible to draw wording for setting policies directly from these guidelines (by, for example, changing "the setting should" to "the setting will").

## Introduction

In certain settings there are children with severe behavioural difficulties who present behaviour that may necessitate the use of restrictive physical interventions to prevent injury, damage to property, or the breakdown of discipline. Section 93 of the Education and Inspections Act 2006 clarifies the position about use of restrictive physical interventions by teachers and others authorised by the headteacher to control or restrain pupils. Teachers and other authorised setting staff are reminded that use of physical force must be reasonable and comply with:

- Joint DfES/DH guidance issued July 2002, "The use of restrictive physical interventions for staff working with children and adults who display extreme

behaviour in association with learning disability and/or autistic spectrum disorder"

Local authority policies

- The Children Act 1989 Guidance and Regulations Vol.4 – Residential Care
- Children's Homes National Minimum Standards – Children's Homes Regulations
- Local Authority behaviour support plan
- Setting discipline and behaviour policies

***Issues for settings to address:***

- *Which staff other than teachers will be authorised to use restrictive physical interventions in your setting?*
- *By what process will staff be selected, trained and then authorised to use restrictive physical interventions in your setting?*

## **Setting Expectations**

The use of restrictive physical interventions should always be considered within the wider context of other measures. These include establishing and maintaining good relationships with children and using diversion, defusion and negotiation to respond to difficult situations. Use of physical force that is unwarranted, excessive or punitive is not acceptable. Failure to comply with this principle, when considering or using physical force, should be dealt with under setting disciplinary procedures.

***Issues for settings to address:***

- *In what situations would the setting consider it appropriate for teachers and other authorised setting staff to use restrictive physical interventions?*
- *What kinds of actions would be viewed as using reasonable 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?*

## **Positive Behaviour Management**

All staff should adopt a positive approach to improving behaviour in order to reward effort and application, and to build self-esteem. The setting should work in partnership with those who know the child to help those concerned:

- find out why this child behaves as he or she does
- understand the factors that influence this child's behaviour
- identify early warning signs that indicate foreseeable behaviours are developing

This approach will help to ensure that early and preventative intervention is the norm. It should reduce the incidence of extreme behaviours and make sure that the use of physical force is rare.

Setting staff should refer to the setting's behaviour policy when developing and implementing Positive Handling Plans. All behaviour management plans should be formally agreed and ratified before implementing them in the setting. Plans should be formally recorded in accordance with setting procedures and set out the action taken to:

- meet the pupil's needs
- encourage the pupil to make positive choices and develop self-control
- support the pupil in difficult situations
- safely manage crises if and when they occur

***Issues for settings to address:***

- *How will the setting involve parents and others who know the child in the process of developing behaviour management plans?*
- *What process is to be used to agree and ratify behaviour management plans for use in setting?*
- *How are behaviour management plans to be recorded?*

**Risk Assessment and Planning For Use of Restrictive Physical Interventions**

Settings should acknowledge that some children behave in ways that make it necessary to consider the use of restrictive physical intervention as part of a Positive Handling Plan. All identified behaviours necessitating use of physical intervention should be formally risk assessed. The resulting risk management strategy must be compatible with a positive behaviour management approach. Planned use of physical intervention must be clearly shown to be in keeping with the pupil's statement and his or her individual education plan. It should also be properly documented within setting records.

All staff should be aware of the distinction between physical contact or touch, used appropriately in everyday situations to support, encourage, guide or comfort a pupil, and the use of force to restrict movement or to disengage from pupils whose behaviour presents a clear risk of injury.

Techniques and methods for controlling and restraining pupils using restrictive physical interventions must be assessed to ensure they are safe, suitable and appropriate for use with the named pupil.

They should be agreed in partnership with the pupil, his /her parents (or those with parental responsibility) and other statutory agencies working with the pupil. This is especially the case when children are looked after by the local authority, in respite care, or cared for by others with legal responsibility in order to ensure that there is a consistent approach to the use of force in and out of setting.

In the event of disputes in schools over, or concerns about, techniques and methods being

considered, an interim setting strategy should be agreed and the matter referred to the Local Authority. If necessary, adjudication might be offered by an independent officer nominated by the Local Safeguarding Board. For other settings the matter must be referred to the local authority health and safety team.

### **Issues for settings to address:**

- *For what kinds of behaviours would the setting view it necessary to consider planned use of physical intervention?*
- *What action does the setting intend to take to assess and manage the risks presented by pupils?*
- *What steps does the setting take to ensure that all staff coming into contact with pupils who may present a risk have necessary information on the pupil concerned?*
- *How will the setting ensure that planned use of physical intervention is compatible with a positive approach to improving behaviour and in keeping with the pupil's statement and pastoral support plan?*
- *What action will the setting take to assess techniques and methods for implementing planned use of physical intervention?*
- *Who will the setting work in partnership with to agree the techniques and methods to be used to implement planned use of physical intervention?*
- *What process is in place for you to refer disputes or concerns to the Local Authority?*

### **Use of restrictive physical interventions in unforeseen and emergency situations**

Settings should acknowledge that, on occasion, staff may find themselves in unforeseen or emergency situations when they have no option but to use reasonable force to manage a crisis. It is recommended that:

- before using force - staff attempt to use diversion or defusion to manage the situation
- when using force - staff must use techniques and methods with which they are familiar, confident and are permitted by the setting
- In exceptional circumstances (where permitted techniques are ineffective or staff are unfamiliar with the action they should take) – staff shall manage the situation as best they can to comply with section 93 of the Education and Inspections Act 2006.
- Staff must always report and record use of physical force that occurs in unforeseen or emergency situations using setting procedures.



**Issues for settings to address:**

- *What kinds of unforeseen or emergency situations might staff find themselves in within your setting?*
- *What techniques and methods for implementing use of physical force to control or restrain pupils will be acknowledged as suitable for use in typical emergencies?*
- *What actions are staff required to take to report and record use of physical force in unforeseen and emergency situations?*

**Post-incident support**

Incidents that require use of restrictive physical interventions can be upsetting to all concerned and result in injuries to the child or staff. After incidents have subsided, it is important to ensure that staff and children are given emotional support and basic first aid treatment for any injuries. Immediate action should, of course, be taken to ensure that medical help is accessed for any injuries that require other than basic first aid. All injuries should be reported and recorded in accordance with setting procedures. The setting should take action to report any injuries to staff or pupils in accordance with RIDDOR and the Local Authority accident/incident reporting procedures.

**Issues for settings to address:**

- *Who will provide staff and children with support after incidents?*
- *Who will check for injuries, provide first aid and arrange for medical aid?*
- *Who will report injuries to HSE?*

**Reporting and Recording Use of Restrictive Physical Interventions**

After incidents in which physical intervention is used, staff should report and record the matter in accordance with setting procedures. All incidents requiring the use of physical intervention must be thoroughly and systematically documented within setting records including an immediate entry in the 'bound book' register. The setting should take action to ensure that parents and the Local Authority are informed about these incidents in accordance with agreed local procedures and time scales.

**Issues for settings to address:**

- *How are incidents to be reported and recorded?*
- *What action will the setting take to inform parents and the local authority about incidents?*
- *Is there a procedure in place for reporting significant incidents to parents?*

## Monitoring Use of Restrictive Physical Interventions

Use of physical intervention in setting should be monitored in order to help staff learn from experience, promote the well being of children in their care and provide a basis for appropriate support. Monitoring can help settings to determine what specialist help is needed for children and to assess the appropriateness of the child's placement at the setting. Information on trends and emerging problems should be shared within the setting using local procedures. Monitoring information should be reported on a regular basis to school governors/setting Key Managers.

### ***Issues for settings to address:***

- *How will you monitor and evaluate the use of physical intervention?*
- *How will incident monitoring inform risk assessment and management?*

## Responding To Complaints

The use of restrictive physical intervention can lead to allegations of inappropriate or excessive use.

In the event of a complaint being received by a school in relation to use of force by staff, the matter should be dealt with in accordance with agreed procedures for handling allegations against members of staff. (Revised guidance about such procedures, prepared jointly by the National Employers Organisation for Teachers and the six teacher unions, was published in September 2002). The document "Education Staff and Child Protection: Staff Facing an Allegation of Abuse" can be accessed electronically at <http://www.lg-employers.gov.uk/conditions/education/allegations/index.html>.

In the event of a complaint being received by a residential setting in relation to use of force by staff, the matter should be dealt with in accordance with chapter 13 of the LSCB Child Protection Procedures, Protocols and Practice Guidance.

Settings should only take action to suspend staff subject to such allegations after careful consideration of whether this is the appropriate course of action.

### ***Issues for settings to address:***

- *How will complaints be investigated and by whom?*

## Staff Training

Training in physical intervention methods that are acceptable within the setting is available and teachers/child care practitioners and support staff should be encouraged to take up such opportunities. This training is intended to help staff to link meeting children's needs with positive behaviour management. Staff involved in implementing planned use of

physical intervention, as part of a behaviour management strategy within the setting, should be provided with training in the range of intervention techniques they are expected to use in their day-to-day work. On successful completion of training, staff should be expected to practice their skills and periodically attend updates. Training provided is accredited by the British Institute of Learning Disabilities (BILD). Training is also available to staff required to carry out risk assessments in connection with the management of pupil behaviour.

***Issues for settings to address:***

- *How will you choose training for your setting and what is the training to include?*
- *How will staff be assessed and updated?*

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## APPENDIX 3

# Assessing and Managing Risks for Pupils Who Present Challenging Behaviours

### 1. Introduction

The risk assessment and management proforma included in this guidance has been designed to help teachers, child care practitioners, support assistants, carers, and other adults working in settings to improve practice in relation to the assessment and management of risk posed by pupils with severely challenging behaviour. The risk may be to the pupils themselves, other pupils, teachers, other adults or property.

### 2. What Is Meant By "Risk" And "Risk Assessment"?

The term "risk" refers to any circumstances which could lead to adverse outcomes for the child or others. Risks may arise in relation to a number of factors, such as the health care and social support arrangements for the child; interactions between the child and his or her environment; the direct impact of behaviour(s) presented by the child; measures and interventions employed to reduce, limit or manage the risks presented to the child and others.

Risk assessment and management is a process that helps staff and others to consider risk issues, to act reasonably, and to learn from what happens in everyday practice. In the main, risk assessment and management involves:

- using what is known, in the light of experience, to make rational judgements about risk issues
- weighing up options and taking reasonable risks
- taking action to implement a range of approaches to support and safeguard children

By working in this way it is possible to make decisions and take actions to:

- limit the level of inherent risk to which children and others are exposed
- take calculated risks to broaden the child's experience and maximise his or her individual potential
- avoid unreasonable risks for this child and others
- ensure that strategies used to respond to challenging behaviour are reasonable, and proportionate to the risks presented by the behaviour

Using a structured approach to risk assessment and management will help staff to make decisions about what can reasonably be done to limit risks. At the same time it will help prepare them for times when things go wrong.

Challenging behaviours are often foreseeable, even though it may be difficult to predict exactly when they will occur or the degree of challenge they will pose. As a general rule, settings should:

- explore why children behave in ways that pose a risk
- try to understand the factors that influence the behaviour
- recognise the early warning signs that indicate that the child's behaviour is beginning to emerge
- develop the skills to manage difficult situations competently and sensitively

The measures agreed for managing identified risks should be set out in an agreed behaviour management plan for the individual child. Risk assessment and management can also be used in emergency situations when unforeseen risks occur.

### 3. Assessing the Risk

Risk assessment involves a consideration of potential and actual risk. Key steps are:

- assessing the context for risk - trying to predict the situations in which risks do/may occur. For example, situations where pupils might feel frustrated, pupils being near open roads, on transport or in crowded places
- assessing probability - trying to estimate how likely it is that the risk situation will occur and whether any injury or harm is very likely to occur, likely to occur, or unlikely to occur
- assessing seriousness - trying to gauge the kind of injury and harm that could result. For example: choking, bruises, bleeding, sprains, broken bones, stress, burnout, panic attacks, nervous breakdowns and post traumatic stress disorder

When assessed, all risks should be recorded in accordance with relevant requirements such as Local Authority or setting policies. In the event that risks are thought to be serious for the child or others, the setting may need to use formal risk assessment frameworks and tools, such as the Health and Safety Executive's "Five Steps to Risk Assessment".

### 4. Exploring Risk Reduction Options

Risk reduction involves an examination of risk management options and consideration of the benefits and drawbacks of each option for the child, staff and others concerned. After weighing up the options available, some may be discarded as unsuitable. This will usually be because they have insufficient impact on the risk or have too many drawbacks. A record should be kept of risk reduction options examined and discounted as well as those adopted for each pupil.

Risk reduction should include:

- proactive measures to support the child effectively and prevent difficulties emerging
- early interventions to help the child in difficult situations and avert problems
- planned measures to manage the child and others safely, when unavoidable difficulties arise

In circumstances where there are concerns that the risk reduction options being considered may themselves give rise to risk to the pupil or others, it would be prudent for settings to seek advice from other bodies. These may include:

- the local Safeguarding Children Board for concerns in relation to children
- Health and Safety Executive for concerns in relation to setting staff and others
- medical advisers
- legal advisers
- Local Authority Investing in Our Children Division.

## 5. Deciding Risk Management Measures

The measures selected to prevent risks occurring, manage risks that arise and respond to injuries and harm that occur should be based upon a full appraisal of all the risk management options. In agreeing the risk management strategy, it is important to be explicit about inherent risks that continue to exist, even when the strategy is fully implemented; risks that can be reduced by implementing the strategy; and the risks that can be prevented by implementing the strategy, and any risks inherent in the strategy. The agreed risk management measures should form the basis of the child's behaviour management plan<sup>6</sup> and the setting's risk management strategy. All decisions made about risk management options should be recorded in accordance with setting procedures.

When selecting risk management procedures for the child's behaviour management plan and the setting risk management strategy, settings should involve parents, or those with parental responsibility. Both sides benefit from such an approach; parents can examine measures for supporting their child within a broader context, while settings find out things that might otherwise be overlooked. Professionals from other agencies should also be consulted in the process of deciding the best options to eliminate, reduce or limit the risk, without placing unreasonable restrictions on the child, children, setting staff or others, or putting others at unreasonable risk. Accommodation and resources will influence the strategy employed.

In the event that there are disputes or concerns about the measures employed, it would be prudent for settings to seek advice from the people or bodies listed in the preceding section.

## 6. Sharing and Communicating an Agreed Approach

Once agreed, the behaviour management plan and risk management strategy should be shared with all those responsible for implementing or monitoring the impact of the plan. This is important as it will help to ensure that those concerned know how children are to be supported and why, which behaviours are to be managed and how they are to be managed; and which risk reduction measures are to be employed and when.

The risk management strategy can be shared through discussion groups, meetings and circulating information. Those who should be informed include:

- the child
- his/her parents or those with parental responsibility
- members of the teaching team/care team and other setting staff
- other professionals involved with the child, child protection teams and other agencies

Settings should keep a record of those informed about the strategy.

## 7. Staff Training

Once the plan and risk management strategy have been shared with those who work with and support the child, consideration should be given to the ability of staff to implement the strategy. In particular, steps should be taken to determine what training may be required prior to implementation. This is key, because successful implementation will be dependent on staff competence and expertise. Setting records should show training needs identified as a result of the strategy and how training was provided to enable staff to implement it.

Where it is apparent that there are staff with significant training needs, implementation of the risk management strategy should be modified until relevant staff training has been provided. In some instances, staff training will be required as a matter of urgency so that implementation can take place without delay.

## 8. Evaluating Impact and Effectiveness

Along with other aspects of their approach to restrictive physical intervention, settings should regularly review risk assessment and management measures. All evaluations of plans and strategies should be reported using setting procedures and recorded in setting records. These will make an important contribution to informing future planning and improving day-to-day practice.

## **Specimen Risk Assessment Proforma for Assessing and Managing Foreseeable Risks for Children Who Present Challenging Behaviours**

### **FORM 1: Proforma for Assessing and Managing Foreseeable Risks for Children Who Present Challenging Behaviours**

This proforma should be used to assess and manage each identified behaviour. Where this information is already known it must be made available on admission (e.g. transfers, etc.)

### **FORM 2: Preliminary/Immediate Assessment**

For use where there is no (or very little) information about the child and is particularly relevant for emergency admissions to residential settings but can be used elsewhere. The likelihood of each risk/behaviour occurring must be indicated by circling 0-5 against each statement. This information must be available on admission.



# Proforma for Assessing and Managing Foreseeable Risks for Children Who Present Challenging Behaviours

This proforma can be downloaded via the DfES Special Educational Needs website at: <http://www.dfes.gov.uk/sen/viewDocument.cfm?dID=713>

Name of Child ..... Class Group .....

Name of Teacher/Practitioner ..... Setting .....

Identification of Risk	
Describe the foreseeable risk	
Is the risk potential or actual?	
List who is affected by the risk.	
Assessment of Risk	
In which situations does the risk usually occur?	
How likely it is that the risk will arise?	
If the risk arises, who is likely to be injured or hurt?	
What kinds of injuries or harm are likely to occur?	
How serious are the adverse outcomes?	

Assessment completed by: .....

Signature ..... Date .....

Risk Reduction Options			
Measures	Possible options	Benefits	Drawbacks
Proactive interventions to prevent risk			
Early interventions to manage risk			
Reactive interventions to respond to adverse outcomes			

Agreed Behaviour Management Plan & Setting Risk Management Strategy		
Focus of measures	Measures to be employed	Level of risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		

Agreed by: Relationship to child

.....

Date: .....

Communication of Behaviour Management Plan & Setting Risk Management Strategy

Plans and strategies shared with:	Communication Method	Date Actioned

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Staff Training Issues		
Identified training needs	Training provided to meet needs	Date training completed

DRAFT

Evaluation of Behaviour Management Plan & Setting Risk Management Strategy		
Measures set out	Effectiveness in supporting the child	Impact on risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		
ACTIONS FOR THE FUTURE		

Plans and strategies evaluated by: Relationship to child

.....

Date: .....

Young Person: .....

Date of Birth: .....

Completed By:.....

Date Completed:.....

**Please indicate likelihood of each risk / behaviour occurring by circling 0-5 against each statement. This information to be available on admission.**

Preliminary/Immediate Assessment	0	1	2	3	4	5
	Not Attempted	Evident In Past History	Some Attempts	Regularly Attempted	A High Risk	Risk Currently Evident
Lack of Self Esteem (Developmentally appropriate)	0	1	2	3	4	5
Lack of Compliance	0	1	2	3	4	5
Suicidal Behaviour	0	1	2	3	4	5
Suicidal Risk	0	1	2	3	4	5
Reckless Impulsive Behaviour	0	1	2	3	4	5
Physical Harm to Others	0	1	2	3	4	5
May cause significant damage to property	0	1	2	3	4	5
Threatening Behaviour	0	1	2	3	4	5
Fire Setting	0	1	2	3	4	5
No sense of Danger	0	1	2	3	4	5
Will cause Harm to themselves	0	1	2	3	4	5
Substance / Drug Abuse	0	1	2	3	4	5
Poor Peer Relationships	0	1	2	3	4	5
Inappropriate Sexual Activity, Low self esteem, Confidence,	0	1	2	3	4	5
Family Violence	0	1	2	3	4	5
Risk of sexually abusing others	0	1	2	3	4	5
Attempts of young person Missing From Care	0	1	2	3	4	5
Risk of Absconding whilst out	0	1	2	3	4	5
May become agitated in transport or Small spaces	0	1	2	3	4	5
Negative Behaviour increases With crowds of people / noise	0	1	2	3	4	5
Unsteady – likely to trip / fall over	0	1	2	3	4	5
Behaviour disruptive at Bedtime	0	1	2	3	4	5
Requires supervision due to medical condition i.e. Epilepsy	0	1	2	3	4	5
Level of health/personal care	0	1	2	3	4	5
Level of dependency	0	1	2	3	4	5
Requires assistance with Mobility	0	1	2	3	4	5
Level of prescribed Medication	0	1	2	3	4	5

## APPENDIX 5

# Positive Handling Plan (Checklist)

Name.....

Setting.....

### Trigger behaviours:

Describe common behaviours/situations that are known to have led to Positive Handling being required. When is such behaviour likely to occur?

### Topography of behaviour:

Describe what the behaviour looks/sounds like:

### Preferred supportive and intervention strategies:

Describe strategies that, where and when possible, should be attempted before positive handling techniques are used:

Verbal advice and support

D

D

Planned ignoring

D

Reassurance

D

C.A.L.M. talking/Stance

D

Negotiation

D

Choices/Limits

D

Humour

D

Consequences

Distraction (Known key words, likes, etc.)

D

Take up time

D

Time out (Requires a written plan) D

Withdrawal (Requires staff/carer supervision)

D Cool off: Directed/Offered (Delete as appropriate)

D Contingent touch

D

Transfer adult (Help protocol) D

Success reminder D

Praise Points/Strengths: (Areas that can be built upon – state at least three bridge builders)

- 1.
- 2.
- 3.

TURN OVER:



## Medical conditions

Conditions that should be taken into account before physically intervening (e.g. asthma, brittle bones, etc.):

## Preferred Handling Strategies

Describe the preferred holds: standing, sitting, ground, stating numbers of staff, what 'get outs' that can be used when holding, etc.:

## De-briefing process

Following incident, what is the care to be provided?

## Record the notifications required:

Please print: .....	Please sign: .....
Establishment .....	Name .....
Placing Authority .....	Name .....
Parents/Guardians .....	Name .....
Name .....	Signature .....
Date .....	Review date .....

## Other factors to consider

- Key behaviour difficulties
- Our understanding of the behaviour
- What we want to see instead
- Environmental changes that might help
- Monitoring progress
- How the individual can help
- How parents and carers can help
- Rewarding progress

## APPENDIX 6

# Check List for Review Procedures

Settings should have a review process for incidents where physical intervention has taken place. For most settings this could be part of their normal procedures for recording and reviewing incidents. That review should include the following:

- What steps are taken to ensure that minimum reasonable force is used if physical intervention is needed?
- Have the incidents needing physical intervention increased/decreased?
- Are incidents monitored to ensure that the length of time physical intervention is used is kept to a minimum?
- Are practices reviewed and alternative methods not using physical intervention explored as a possible outcome in each case?
- What steps are taken to ensure that physical intervention used causes a minimum of pain or distress?
- Where physical intervention is used, what method is there for checking medical advice?
- What steps are taken following physical intervention for the pupil and the adults involved?
- Are there separate debriefing sessions for both pupil and members of staff who have been involved in an intervention? Does the review explore antecedents, consequences and alternative courses of action?
- A regular and planned review of these issues is an essential part of their management.

# **Assaults on Staff Health & Safety Management Standard Issue 1 (September 2016)**

## **Introduction**

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This document contains corporate standards and guidance on dealing with assaults on staff in school and college environments. It is the responsibility of Key Managers to ensure that assaults on staff are managed in line with this document (and any other guidance referred to herein) in any area/premises under their control.

This document must be read in conjunction with any additional guidance specific to divisional issues or activities. This document also supersedes Schools Bulletin No. 47 on 'Dealing with Assaults on Staff in School and College Environments' issued in August 2015.

## **Key Managers' Checklist – Assaults on Staff**

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The checklist given below identifies key actions involved in dealing with assaults on staff. Further information on each of these points is contained in this document.

4. Are all relevant staff aware of the Leicester City Council protocol designed to combat violence at work?
5. Are suitable arrangements in place to ensure that the Leicester City Council protocol of Ten Steps is followed for all assaults on staff?
6. Or, are suitable equivalent arrangements in place for dealing with assaults on staff that address all of the issues identified in the Ten Steps protocol?

## **What is the Protocol?**

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The protocol set out below is recommended as a good practice guide and is designed to combat violence at work and help Leicester City Council and its senior managers discharge their duty of care to all employees. The protocol has been prepared by a "Violence at Work" Working Group of the Teachers' Consultative Committee.

Leicester City Council expects its schools and colleges to adopt this protocol or be able to evidence that they have alternative measures of equal status in place. Schools/colleges will, of course, also continue to have recourse to existing behaviour management policies and practices and these will need to be reviewed in the light of the operation of this protocol.

The Health and Safety Executive defines violence at work as *“any incident in which a person is abused, threatened or assaulted in circumstances relating to their work”*. Leicester City Council, its Professional Associations and Trades Unions consider assaults upon staff unacceptable and are working in a positive partnership to reduce and eliminate these. The Council believes this objective is shared throughout its schools, colleges and other establishments and requests the active co-operation of all colleagues in tackling this issue.

For the purposes of this document the use of the term “assault” should be taken as meaning verbal abuse, threats or the use of physical violence.

Following this guidance will help senior managers discharge their duty of care towards staff and ensure consistency of approach within their organisation and across the Council.

The protocol has been widely publicised by the Council and has been recommended to all teaching and non-teaching staff by their professional associations and trades unions. It is hoped that the protocol will provide a practical tool for addressing more serious incidents and deter repeat occurrences.

The protocol is designed to provide guidance to Headteachers and their staff in the management of difficult situations and is also intended to provide a framework within which assistance can be given to staff.

Following completion of the ten steps detailed in this protocol it is recommended that Headteachers and Principals review existing risk assessments in connection with teaching and learning environments to ensure that structural issues are addressed and further recurrences prevented.

## What are the Ten Steps?

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The protocol consists of **Ten Steps** for dealing with assaults on staff, as set out below:

1. Schools/colleges should identify a single point of contact amongst senior staff to receive all reports of assaults and violence at work. This point of contact must have sufficient authority to release affected staff from their duties and re-deploy other staff as required.
2. Staff should be removed immediately from their current situation and medical assistance and emotional support offered should this be required.
3. Where the perpetrator of the alleged assault(s) is a student or pupil they should be removed from circulation and isolated as quickly as possible and dealt with in accordance with the institution’s behaviour policy. Where the perpetrator is not a pupil or student (e.g. member of the public/intruder), the matter should be referred to the police under existing procedures for “Dealing with Troublemakers”. Regardless of perpetrator type, when specifically requested by the victim, the police should be contacted immediately.

(Guidance on “Dealing with Troublemakers” has been issued direct to all schools and colleges by the Home Office/former DfEE in 1997 and should be available in your establishment. Alternatively it may be viewed or downloaded on line.

Local Authority guidance for Managing Nuisance and Disturbance On Educational Premises under the Client Services section/Nuisance and Disturbance/School Section 547 procedure.

All staff should be notified that an assault has been reported and alerted to what management action has been taken and guidance issued in connection with the alleged perpetrators.

4. The single point of contact identified at (1) above should ensure the incident is reported through the Leicester City Council Incident Reporting System and seek to co-ordinate the production of supplementary corroborative evidence as to the nature of the incident. Where incidents are perceived to be racially motivated then relevant reporting systems should also be operated.
5. A statement detailing the events in question should be obtained, at the earliest opportunity, from the member of staff concerned, having allowed her/him sufficient time to recover from the immediate effects of the event. Staff members should be reminded of the desirability of having a staff representative, colleague or friend present when the statement is made or prior to the submission of the statement.
6. The identified single point of contact should offer to undertake a follow-up call that evening to the assaulted member of staff to check on her/his welfare should this be the staff member's wish.
7. The single point of contact should provide feedback to the member of staff concerned, and all other staff, on the follow-up procedures taking place in the school/college, including expectations around the management of the perpetrator/incident, and any conditions surrounding the return of the pupil/student if appropriate. This should take place prior to the return of the pupil or student.
8. The agreed Local Authority Individual Risk Assessment Procedure should be completed where the perpetrator is a pupil/student at the school/college in order to identify particular support needs and changes in working practices to reduce any further risks associated with this pupil/student
9. Follow-up advice and guidance should be offered to the member of staff. This may include:
  - **'Teacher Support Network'** – a free service open to all teaching staff independent of the Local Authority – telephone number 0800 056 2561;
  - **'Amica'** – a counselling service provided by Leicester City Council.
10. Consideration should be given to progressing any further action required by the school/college management and the governing body.

## Extracts from Legislation

### **Section 93 of the Education and Inspections Act 2006 (as amended by section 246 of the Apprenticeships, Skills, Children and Learning Act 2009)**

#### ***Use of reasonable force***

##### **93 Power of members of staff to use force:**

- (1) A person to whom this section applies may use such force as is reasonable in the circumstances for the purpose of preventing a pupil from doing (or continuing to do) any of the following, namely-
  - (a) committing any offence,
  - (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.
- (2) This section applies to a person who is, in relation to a pupil, a member of the staff of any school at which education is provided for the pupil.
- (3) The power conferred by subsection (1) may be exercised only where—
  - (a) the member of the staff and the pupil are on the premises of the school in question, or
  - (b) they are elsewhere and the member of the staff has lawful control or charge of the pupil concerned.
- (4) Subsection (1) does not authorise anything to be done in relation to a pupil which constitutes the giving of corporal punishment within the meaning of section 548 of EA 1996.
- (5) The powers conferred by subsection (1) are in addition to any powers exercisable apart from this section and are not to be construed as restricting what may lawfully be done apart from this section.

- (6) In this section, “offence” includes anything that would be an offence but for the operation of any presumption that a person under a particular age is incapable of committing an offence.

### **93A Recording and reporting the use of force by members of staff – England:**

- (1) The governing body of a school in England must ensure that a procedure is in place for -
- (a) recording each significant incident in which a member of the staff uses force on a pupil for whom education is being provided at the school (a “use of force incident”); and
  - (b) reporting each use of force incident (except those where the pupil is aged 20 or over or provision made under subsection (5) applies) to each parent of the pupil as soon as practicable after the incident.
- (2) The governing body must take all reasonable steps to ensure that the procedure is complied with.
- (3) The procedure must require that a record of a use of force incident is made in writing as soon as practicable after the incident.
- (4) In discharging their duty under subsection (1), the governing body must have regard to any guidance issued by the Secretary of State for the purposes of that subsection.
- (5) A procedure under subsection (1) must include provision to the effect—
- (a) that a person (“R”) who would otherwise be required by the procedure to report an incident to a parent must not report it to that parent if it appears to R that doing so would be likely to result in significant harm to the pupil; and
  - (b) that if it appears to R that there is no parent of the pupil to whom R could report the incident without that being likely to result in significant harm to the pupil, R must report the incident to the local authority (within the meaning of the Children Act 1989) within whose area the pupil is ordinarily resident.
- (6) In deciding for the purposes of provision made under subsection (5) whether reporting an incident to a parent would be likely to result in significant harm to the pupil, R must have regard to any guidance issued by the Secretary of State about the meaning of “significant harm” for those purposes.
- (7) In this section – “governing body”, in relation to a school which is not a maintained school, means the proprietor of the school; “maintained school” means –
- (a) a community, foundation or voluntary school;
  - (b) a community or foundation special school;
  - (c) a maintained nursery school;

“parent”, in relation to a pupil, has the meaning given by section 576 of EA 1996 in relation to a child or young person, but includes a local authority which provides accommodation for the pupil under section 20 of the Children Act 1989.

## Children's Homes Regulations 2001: Regulation 17

### Behaviour management, discipline and restraint

17.—(1) No measure of control, restraint or discipline which is excessive, unreasonable or contrary to paragraph (5) shall be used at any time on children accommodated in a children's home.

(2) The registered person shall prepare and implement a written policy (in this regulation referred to as "the behaviour management policy") which sets out—

(a) the measures of control, restraint and discipline which may be used in the children's home; and

(b) the means whereby appropriate behaviour is to be promoted in the home.

(3) The registered person shall—

(a) keep under review and where appropriate revise the behaviour management policy; and

(b) notify the Commission of any such revision within 28 days.

(4) The registered person shall ensure that within 24 hours of the use of any measure of control, restraint or discipline in a children's home, a written record is made in a volume kept for the purpose which shall include—

(a) the name of the child concerned;

(b) details of the child's behaviour leading to the use of the measure;

(c) a description of the measure used;

(d) the date, time and location of, the use of the measure, and in the case of any form of restraint, the duration of the restraint;

(e) the name of the person using the measure, and of any other person present;

(f) the effectiveness and any consequences of the use of the measure; and

(g) the signature of a person authorised by the registered provider to make the record.

(5) Subject to paragraphs (6) and (7) of this regulation, the following shall not be used as disciplinary measures on children accommodated in a children's home—

(a) any form of corporal punishment;

(b) any punishment relating to the consumption or deprivation of food or drink;

(c) any restriction, other than one imposed by a court or in accordance with



regulation 15, on—

- (i) a child's contact with his parents, relatives or friends;
  - (ii) visits to him by his parents, relatives or friends;
  - (iii) a child's communications with any of the persons listed in regulation 15(2); or
  - (iv) his access to any telephone helpline providing counselling for children;
- (d) any requirement that a child wear distinctive or inappropriate clothes;
- (e) the use or withholding of medication or medical or dental treatment;
- (f) the intentional deprivation of sleep;
- (g) the imposition of any financial penalty, other than a requirement for the payment of a reasonable sum (which may be by installments) by way of reparation;
- (h) any intimate physical examination of the child;
- (i) the withholding of any aids or equipment needed by a disabled child;
- (j) any measure which involves—
- (i) any child in the imposition of any measure against any other child; or
  - (ii) the punishment of a group of children for the behaviour of an individual child.

(6) Nothing in this regulation shall prohibit—

- (a) the taking of any action by, or in accordance with the instructions of, a registered medical practitioner or a registered dental practitioner which is necessary to protect the health of a child;
- (b) the taking of any action immediately necessary to prevent injury to any person or serious damage to property; or
- (c) the imposition of a requirement that a child wear distinctive clothing for sporting purposes, or for purposes connected with his education or with any organisation whose members customarily wear uniform in connection with its activities.

# **Extract from The Children Act 1989 Guidance and Regulations**

## **Vol. 4 Residential Care**

### **Disciplinary Measures - General**

1.89. Except in so far as the Secretary of State may direct otherwise in accordance with section 53 of the Children and Young Persons Act 1933 or section 22(7) of the Children Act 1989, Regulation 8 prohibits the use of various measures, including corporal punishment, deprivation of food or sleep, inappropriate clothing and restriction of visits, etc. The Regulation permits only disciplinary measures approved by the responsible body. The listed measures are equally prohibited in boarding schools which are also children's homes (see paragraph 1.10). Prohibited measures are discussed at paragraph 1.91 below.

### **Permitted Disciplinary Measures**

1.90. It is recognised that some form of sanction will be necessary where there are instances of behaviour which would in any family or group environment reasonably be regarded as unacceptable. Often such unacceptable behaviour can be prevented by the USE of mild or more severe reprimand. The imposition of formal disciplinary measures should be used sparingly and in most cases only after repeated use of informal measures has proved ineffective. For example there is no intention to reduce the authority of staff in applying reasonable mealtime discipline or in the discretionary use of special treats. There should be a system of rewards (commendations, extension of privileges etc) as well as sanctions. In normal circumstances children should be encouraged to behave well by the frequent expression of approval by staff and by the generous use of rewards rather than by the extensive imposition of disciplinary measures. Where sanctions are felt to be necessary, good professional practice indicates that these should be contemporaneous, relevant, and, above all, just. Children in homes are likely, because of the system, to be confronted as to the consequences of their actions by numerous adults; this often serves merely to compound misbehaviour and undermine the child's self esteem. Staff should appreciate when a misdemeanour is finished and the subject should be dropped. The responsible body should detail in writing the disciplinary measures which it approves for use in the home: other measures may not be used. The measures approved for use in the home should be appropriate to the age and circumstances of the individual child accommodated. Appropriate measures could be reparation, restitution, curtailment of leisure extras, additional house chores, and use of increased supervision. The responsible body must ensure that all staff are aware of the measures which are acceptable, the extent of their discretion in administering them and the requirement to record their use on each occasion. The record of sanctions administered should be kept in a log book (but separately from the home's daily log and should include in each entry the name of the child, details of the inappropriate behaviour, names of staff present, and date and nature of the sanction. Each entry should be signed by a person authorised to sign on behalf of the responsible authority (see Regulation 8(4)). All entries should be written in appropriate language, and all names, including that of the signatory, should be clearly identified. The responsible authority should keep under annual review the appropriateness of the disciplinary measures approved. Responsible authorities should regularly monitor the use of sanctions and other measures of control in their homes, which should also be scrutinised by the inspecting body. Authorities should seek legal advice about the measures to be approved and their use and should ensure that staff responsible for monitoring, managing or inspecting homes also have access to legal advice.

## Prohibited Measures

1.91. Prohibited measures are listed below and guidance is provided in respect of each of them.

I. Corporal punishment - Regulation 8(2) (a)

The use of corporal punishment is not permitted in residential childcare establishments. The term "corporal punishment" should be taken to cover any intentional application of force as punishment including slapping, throwing missiles and rough handling. It would also include punching or pushing in the heat of the moment in response to violence from young people. It does not prevent a person taking necessary physical action, where any other course of action would be likely to fail, to avert an immediate danger of personal injury to the child or another person, or to avoid immediate danger to property. The use of "holding" which is a commonly used and often helpful, containing experience for a distressed child is not excluded.

II. Deprivation of food and drink - Regulation 8(2) (b)

It is well established that the enjoyment of eating and drinking is fundamental to a child's healthy physical and emotional development. Meal times are an important social occasion in the life of a child and it would be quite inappropriate for a child to be refused meals. Deprivation of food and drink should be taken to include the denial of access to the amounts and range of foods and drink normally available to children in the home but would not include instances where specific food or drinks have to be withheld from a child on medical advice. Equally, it would be inappropriate to force a child to eat foods which he disliked. It would be right however to encourage a child to try a wide range of foods.

III. Restriction or Refusal of Visits/Communications - Regulation 8(2) (c) & (3) (d).

The value for most children of maintaining contact with their families and friends cannot be overstated. The restriction or refusal of contact as a punishment is not permitted but it is recognised that in some circumstances as part of the management and planning of his care some restrictions may have to be placed on contact with certain individuals or on the facility to receive, or - especially - make, visits. (See Regulation 8(3)(d)). Children sometimes need to be protected from visits. The home must be guided in its approach to contact by the planning decisions of those with parental responsibilities. Where contact is restricted in accordance with these plans it should be recorded on each occasion in the child's personal records. Where parents insist on visiting a child despite this being contrary to the care plan which has been drawn up it will be necessary for staff to find tactful ways of dealing with this and to counsel the child.

In the case of children in secure accommodation the facility to make visits will be less appropriate than in other cases. In general, arrangements for making and receiving visits and for other contacts will have to be compatible with the reasonable requirements of the efficient management of the home. It will continue to be legitimate to control unplanned visits.

IV. Requiring a Child to Wear Distinctive or Inappropriate Clothing Regulation 8(2) (d).

Some children in homes will already have a very negative perception of themselves. Requiring them to wear distinctive or inappropriate clothing would serve only to further undermine their self-esteem and to damage their self-confidence. Distinctive or inappropriate clothes should be taken to include not only

any recognisable punishment uniform or badge, for example, but also clothes which are inappropriate to the time of day and/ or the activity being undertaken. This applies also to footwear and hairstyles. However, in some circumstances, uniform or distinctive clothing such as sports kit is not inappropriate and can help to promote a positive self-image. Regulation 8(3) (c) makes plain that wearing distinctive clothing for purposes connected with education or any uniformed organisation (such as Scouts or Guides) is of course not excluded.

V. The Use or the Withholding of Medication or Medical or Dental Treatment - Regulation 8(2) (e).

This would be a dangerous and utterly unacceptable practice and is accordingly totally forbidden in all circumstances, whether as a disciplinary measure or otherwise to control the child. See also paragraphs 1.102 and 1.196.

VI. The use of Accommodation to Physically Restrict the Liberty of Any Child.

This is totally prohibited in community homes except in premises approved by the Secretary of State for use as secure accommodation and under criteria set down in section 25 of the Children Act 1989 and the Children (Secure Accommodation) Regulations 1991 (see chapter 8 and Annex G). However, locking external doors and windows at night-time, in line with normal domestic security, is not excluded. Responsible authorities should give clear, written guidance to staff about the extent to which the home, or any part of it, may be locked as a security measure. Similarly, refusal of permission to go out (e.g. "gating" in schools) short of measures which would constitute restriction of liberty, is not forbidden.' Where there is any doubt as to what is permissible, reference should be made to the guidance in Chapter 8, including the definition of "restriction of liberty" in paragraph 8.10.

VII. Intentional Deprivation of Sleep - Regulation 8(2) (f).

Apart from the grave psychological damage deprivation of sleep could inflict, it could also seriously affect the physical health of the young person.

VIII. Imposition of Fines - Regulation 8(2) (g)

Fines imposed by courts must, of course, be paid but it is not considered appropriate for those carrying on homes to impose such sanctions. In cases of wilful damage or of misappropriation of monies or goods belonging to others, however, it would be perfectly proper for the perpetrator to be required to pay for or at least to make a contribution towards the costs of repairs or replacement of misappropriated monies or goods. Withholding part of pocket money for misdemeanours is not an inappropriate sanction, but its use is best restricted to cases of wilful damage etc. In any case no more than a maximum of two-thirds of a child's pocket money should be withheld.

IX. Intimate Physical Searches - Regulation 8(2) (h)

Intimate physical searches of children are totally unacceptable. Occasionally, and not as a punishment, a search of a child's clothing may be necessary - e.g. for weapons - but where this does not allay anxieties about the child's safety or that of others he will have to be kept apart from the group and closely supervised by a member of staff. If it is suspected that a child has secreted drugs on his person, then the police should be notified.

## APPENDIX 9

### References

In preparing this policy and appendices, reference has been made to several publications. These include other guidance issued by Leicester City Council such as:

- Child Protection Procedures - (1997);
- A Care Policy for Residential Schools/Colleges/Other Educational Settings (1992); and
- Guidelines on the Care, Welfare & Protection of Pupils & Staff (1995).
- Guidelines on the Use of Intervention in Children's Homes (1993)
- Department of Health Guidance on Permissible Forms of Control in Children's Residential Care (1993).
- New Outlooks, A Study of Provision and Practice for Children with emotional and behavioural difficulties Framework For Intervention

Particular note was taken of 'The Use of Reasonable Force to Control or Restrain Pupils – Guidance for Birmingham Maintained Schools and the City Council Education Service', issued by Birmingham City Council.

Other documents/authoritative sources referred to were:

- DfEE Circular 8/94, Pupil Behaviour & Discipline;
- DfEE Circular 9/94, The Education of Children with Emotional & Behavioural Difficulties;
- DfEE Circular 10/94, Protecting Children from Abuse. The Role of the Education Service.
- DfES: LEA/0242/2002 - Guidance On The Use Of Physical Intervention For Staff Working With Children And Adults Who Display Extreme Behaviour In Association With Learning Disability And/Or Autistic Spectrum Disorders
- DfES: LEA/0264/2003 – Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties
- The British Institute of Learning Difficulties
- Children Act 1989, Guidance and regulations Vol.4 – Residential Care
- Care Standards Act 2000
- Children's Homes National Minimum Standards Children's Homes Regulations