

# East Sussex County Council Restrictive Physical Intervention/ Use of Reasonable Force Guidance

For settings, schools and colleges



Updated: April 2019

Due for review: April 2020

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# Introduction

East Sussex County Council believes that all children and young people should feel safe, secure and be in an environment free from abuse, bullying and violence. Boundaries and behavioural expectations in schools, settings and colleges should be clear and provide opportunities for children to maximise their potential. The majority of pupils do not behave in an aggressive or unpredictable way; they attend their school, setting or college in an environment which is conducive to learning.

Decisions about the education, wellbeing and safeguarding of a pupil should take into account their views, personal context and any reasonable adjustments they may need to overcome barriers to learning. This is particularly important in relation to responding to and managing challenging behaviour. **Behaviour is communication** and in order to improve pupil behaviour and wellbeing and reduce incidents of restrictive physical intervention, the focus must always be on understanding and responding to the underlying needs that are leading to the behaviours displayed.

East Sussex County Council is committed to supporting settings, schools and colleges to reduce their need for restrictive physical intervention and restraint. It is important for schools, settings and colleges to maintain a caring, welcoming ethos which establishes a safe, secure and stable environment to enable pupils to grow, develop and learn. Accordingly schools, settings and colleges must take reasonable steps, through their policies and staff training programmes, to minimise the likelihood of restrictive physical intervention becoming necessary.

The vast majority of effective behaviour management originates from Quality First Teaching, building positive relationships with pupils and being responsive to a pupil's social emotional and mental health needs.

This document draws extensively on the DfE national guidance [Use of Reasonable Force, July 2013](#); schools, settings and colleges should ensure their staff are familiar with these documents.

For pupils who present challenging behaviours; redirection, diffusion, prevention and avoidance are the first tools in managing violence and will tend to make control and restraint unnecessary in many situations. However, there may be occasions when the use of force or restrictive physical intervention is appropriate and necessary. For this reason there is a duty on all schools in England to have a policy to reflect this practice. This policy is best placed within the school's discipline or behaviour policy.

This document is intended to provide clarification on the use of force (restrictive physical intervention) to help staff feel more confident in the expectations and to make clear the responsibilities of headteachers and governing bodies.

Good practice in schools, settings and colleges should involve pupils in examining and discussing the implications of behaviour that would require staff intervention. Staff should have the opportunity to examine issues of discipline, care and control and effective methods of dealing with difficulties should be shared with all staff who work with the pupil.

This guidance acknowledges that situations will arise for staff in schools, settings and colleges in which the use of force may be required in dealing with conflict when other measures have failed or staff are faced with a one-off incident that did not have a planned risk assessment. In these situations, parental consent is not required for the use of reasonable force.

Advice and guidance on identifying additional and special educational needs, planning effective interventions to meet those needs and effective positive behaviour management can be accessed through the [ISEND Front Door](#).

# What is Reasonable Force?

Reasonable force can cover a wide range of actions that involve a degree of physical contact with the pupil. Whether the force used is reasonable will always depend on the circumstances of individual cases.

Deciding on whether the use of force is justified will depend in part upon the context in which the behaviour takes place. The test is whether the force used is proportionate to the consequences it is

intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour.

Any response must be reasonable, proportionate and use the minimum force necessary in order to prevent injury and maintain safety.

## Underpinning Principles

The safety of pupils and staff is the prime underpinning aim of the use of force/restrictive physical intervention.

It is **essential** that the physical management of pupils:

- should, wherever possible, be avoided
- is seen as a rare occurrence and as a last resort
- seeks to ensure the safety of the pupil, other pupils and staff
- is part of a whole school behaviour policy
- **must** be used in ways that maintain the safety and dignity of all concerned

Schools, settings and colleges should monitor and continually review their use of restrictive physical intervention to ensure these key underpinning principles are being followed; particularly that restrictive physical intervention is a **rare occurrence** and is **proportionate to the safety risk**.

**Force must never be used as a punishment - this is always unlawful.**

### When considering the use of restrictive physical intervention (RPI):

#### Assess the risk of the situation:

- What is the current level of risk to the pupil and/or others?
- Is the use of RPI justifiable when considering the level of risk?
- What would happen if you did not take action?
- Can the risk be reduced in another way e.g. de-escalation strategies and techniques?
- Are you trained and confident to carry out the RPI safely?

#### and the impact of physical intervention:

- What is the size, age and cognitive understanding of the pupil? Is English their first language?
- Does the pupil have any SEND; particularly communication difficulties or sensory sensitivities?
- Pupils with Autism may have strong sensory sensitivities, identified or not; in these circumstances RPI could cause emotional harm or psychological trauma.
- Has the pupil experienced or witnessed physical, emotional or sexual abuse and/or are there current child protection concerns; in these circumstances RPI could cause emotional harm or psychological trauma.
- Does the pupil have any medical problems and/or do they take medication?

# Planned and Unplanned Restrictive Physical Intervention

**Restrictive physical intervention should only be used when a situation warrants immediate action<sup>1</sup>.**

In a school, setting or college, force is used for two main purposes – to **control** pupils or to **restrain** them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom. Restraint means to hold back physically or to bring a pupil under control. It is typically used in more **extreme circumstances**, for example when two pupils are fighting and refuse to separate without physical intervention.

**All members of school staff have a duty of care to prevent serious harm.** Where there is a high or immediate risk of death or serious injury, any member of staff is justified in taking any necessary action (consistent with the principal of using minimum force). Such situations could include preventing a pupil from running off a pavement and into a busy road, or preventing a pupil from striking another pupil or adult with a dangerous object.

School, setting and college staff may use restrictive physical intervention for:

- removal of a disruptive pupil from a classroom
- restraint of a pupil to prevent them harming themselves
- restraint of a pupil to prevent them harming others
- prevention of a pupil leaving if leaving would risk their safety.

This is not an exhaustive list.

<sup>1</sup>A protocol for Local Children's Services Authorities on Restrictive Physical Interventions in Schools, Residential and other Care Settings for Children and Young People, 2009, page 4

"The use of Restrictive Physical Intervention should:

- be in the best interests of the child or young person,
- be reasonable and proportionate to the circumstances,
- use the minimum force necessary for the minimum time necessary,
- be based on a comprehensive risk assessment,
- have regard for other young people and adults present, and
- respect the safety and dignity of all concerned.

Schools and children's homes should seek to reduce the need for Restrictive Physical Interventions as far as is practicable. Several steps have been identified to achieve this:

- maintain a positive culture
- promote ethical practice
- maintain a child-centred approach
- understand high-risk behaviour or violent behaviour
- promote an awareness in staff of their own reactions to aggressive or violent behaviour and the effect of their mood on others
- promote self control in children and young people
- use authority appropriately
- maintain a policy to manage behaviour positively
- promote positive relationships<sup>2</sup>

The decision on whether or not to physically intervene is down to the **professional judgement of the staff member** concerned and should always be **dependent on the individual circumstances and wider context of the pupil's needs, as well as the school policy.**

<sup>2</sup>A protocol for Local Children's Services Authorities on Restrictive Physical Interventions in Schools, Residential and other Care Settings for Children and Young People, 2009, page 5

# When can reasonable force be used?

In most circumstances restrictive physical intervention will be used reactively in response to an unforeseen event; **it is very rare for a pupil to require planned restrictive physical intervention** as part of their behaviour management programme.

**Unplanned interventions** require staff to exercise professional judgement in response to an incident where there is a concern about the safety of the pupil or other pupils/staff. In that moment the member of staff should undertake a dynamic risk assessment, including their judgement about the capacity of the pupil to make a safe choice. Unless the situation is urgent, staff should seek assistance from appropriately trained staff. If such assistance is not available, any response must be reasonable, proportionate and use the minimum force necessary in order to prevent injury and maintain safety.

**Occasionally**, it may be in the best interests of a pupil to use **planned restrictive physical intervention** as part of their overall behavioural management. This should be an agreed strategy as a result of a risk assessment that has been discussed previously with the pupil, their parent/carer and key members of staff. The main focus of the wider behaviour support programme should be to identify underlying reasons for the behaviour and to devise effective strategies to reduce the need for restrictive physical intervention.

## **Recording planned restrictive physical intervention:**

On those rare occasions where a pupil requires planned restrictive physical intervention, there should be a person-centred written risk assessment in place that includes an understanding of the causes and triggers of the behaviours, effective preventative strategies and planned responses to levels of risk. The plan should be reviewed and updated as the pupil's needs and behaviours change.

Dependent on the wider context of the pupil and the policies of the school, setting or college, this information may be recorded within a Behaviour Management Plan, a Restrictive Physical Intervention Plan, an Additional Needs Plan, a Care Plan or an Education Health and Care Plan.

There is no standard format for recording this information; the quality of the information and the fact that it is co-produced with the pupil, their parent/carer and key staff is most important. The Local Authority recommends using the recording format that is provided by the training provider chosen by the school, setting or college (see section 'policy and training', page 7).

All incidents of restrictive physical intervention, whether planned or unplanned, should be recorded as quickly as possible and reported to the designated senior member of staff within 24 hours. The type of information that needs to be recorded includes:

- Names of the pupils and staff involved
- Date, time and duration of the restrictive physical intervention
- The reason for using a physical intervention rather than an alternative strategy
- The nature of any de-escalation used seeking to prevent the need to intervene physically
- The type of physical intervention used
- Whether or not anyone was hurt, if so the action taken
- Whether or not anyone was distressed, if so the action taken
- The views of the pupil
- The outcome of the physical intervention
- Details of how and when the incident was reported to parents/carers.

A recording format and clear expectations of what should be recorded will be provided by the training provider chosen by the school, setting or college

# Policy and training

**Behaviour is a means of communication and all behaviour has a purpose. Behaviour that challenges may signal a need for support. Behaviour policies and practice should recognise this and support pupils to develop alternative ways of expressing themselves that achieve the same purpose but in more appropriate ways. Sanctions alone will not change behaviours; improved outcomes will be seen if behaviour policies, strategies and practices promote a positive culture, positive behaviour and include personalised support for pupils with additional needs.**

There is no requirement to have a separate policy on restrictive physical intervention or the use of force. It is good practice to set out within the behaviour policy the circumstances in which force might be used, for example it could say that staff will physically separate pupils who are fighting and do not respond to verbal intervention.

The behaviour policy must be made known to staff, parent/carers and pupils. It is essential that everyone is clear on what actions can and cannot be taken including the awareness that staff may be called upon to justify their actions or lack of actions at a later stage.

“Schools should **not** have a ‘no contact’ policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a pupil, or prevent them taking action needed to prevent a pupil causing harm”.<sup>4</sup>

When establishing and communicating their policy on managing behaviour (including restrictive physical intervention) schools, settings and colleges **MUST** acknowledge their legal duty to make reasonable adjustments for children with special educational needs and disabilities (SEND)<sup>3</sup>. The policy should cross-reference other relevant policies such as Child Protection, Inclusion and Health and Safety.

As well as deciding the policy and approach for managing behaviour, schools, settings and colleges need to take their own decisions about staff training to deliver those policies effectively and safely. The head teacher should consider whether members of staff require any additional training to enable them to carry out their responsibilities and meet the needs of pupils.

The Local Authority **strongly recommends** that school, setting and college staff are trained by a BILD (British Institute of Learning Disabilities) or ICM (The Institute of Conflict Management) accredited training provider, before carrying out restraint to ensure both the pupil and adult are safe. The de-escalation strategies included in restrictive physical intervention training programmes give staff the skills to prevent the need for restraint; the training on appropriate physical interventions give staff the confidence to carry out restraint effectively and safely on those rare occasions it may be required.

Support for inclusion can be accessed through the [ISEND Front Door](#). The ISEND Education Support Behaviour and Attendance Service (ESBAS) can also be contacted directly for advice on understanding and managing challenging behaviour, including preventing the need for restrictive physical intervention: 01273 481967 [esbas@eastsussex.gov.uk](mailto:esbas@eastsussex.gov.uk).

[ESBAS CZONE Page](#)

**ISEND services do not carry out or advise on restrictive physical intervention practice or techniques;** schools, settings and colleges should source training directly from approved providers:

**BILD accredited providers can be found [HERE](#)**

**ICM accredited providers can be found [HERE](#)**

<sup>3</sup> The Equality Act 2010

<sup>4</sup> Use of reasonable force, 2013, page 6

# Voice of children and young people

In 2012 Ofsted obtained the views of children and young people in care regarding restraint, for a report by the Children's Rights Director for England. The report makes interesting reading, for example one group of children and young people explained how they thought staff often created situations which got out of control and ended up needing the use of restraint.

Many of their suggestions on how staff can calm a child before needing to use restraint are relevant to schools, settings and colleges when creating and communicating their behaviour management approach. For example:

- Staff should not scream at children
- Understand the different ways to calm each young person down
- Keep talking calmly, in a calm voice, and try to communicate well

- Persuade them to calm down
- Reward good behaviour
- Try to solve whatever problems are leading to the need for restraint
- Disengage from the situation so that it does not escalate
- Help children to express their feelings in different ways
- Use activities to help people calm down
- Let the child walk away from the situation.

“Give children time”

Children's views on restraint, 2012, pages 14-15

## Complaints

There should also be a system in place to deal with complaints received regarding the use of force.

When a complaint is made, the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she acted reasonably. All complaints about the use of force should be thoroughly, speedily and appropriately investigated.

Schools should refer to the ‘Keeping Children Safe in Education’ DfE Guidance where an allegation of using excessive force is made against a teacher.

Should the Local Authority receive a complaint about excessive force or restrictive physical intervention being used

inappropriately, the complaint may be investigated by the Standards and Learning Effectiveness Service (SLES) Schools' Safeguarding Team and/or the Local Authority Designated Officer (LADO) as appropriate.

The school, setting or college will be expected to provide evidence of staff training from a BILD or ICM accredited provider and recording and monitoring in line with the DfE Use of Reasonable Force Guidance July 2013 and the advice given by the BILD or ICM accredited training provider chosen by the school, setting or college.

# Further information

- [DfE Use of Reasonable Force Guidance July 2013](#)
- [Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders \(2002\)](#)
- [Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties \(2003\)](#)
- [Screening, searching and confiscation – advice for headteachers, staff and governing bodies](#)
- [Keeping Children Safe in Education](#)
- [Behaviour & Discipline in Schools: Statutory Guidance](#)
- [BILD Website](#)
- [ICM Website](#)
- [Restraint and restrictive intervention draft guidance, DfE](#)
- [Children's views on restraint, Ofsted, 2012](#)