

Guidance for the Use of Reasonable Force and Physical Intervention to Control or Restrain Pupils

December 2022

*This publication is available in Welsh, and in other languages and formats on request.
Mae'r cyhoeddiad hwn ar gael yn Gymraeg, ac mewn ieithoedd a fformatau eraill ar gais.*



A greener place
Man gwyrddach



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Aim

The aim of this school's policy is to assist all staff in the school to deal effectively with challenging behaviour; to ensure that staff are protected from harm and that pupils are protected from any form of physical intervention or restraint which is inappropriate or unlawful.

Restrictive practices should only be used within the appropriate legal frameworks, and each agency should ensure that they are aware of and operating within the parameters of the legislation and guidance relevant to them, to the people they support and those for whom they provide services.

The use of all restrictive practices including restraint should be in line with the principles described in the *Human Rights Framework for Restraint* produced by the Equality and Human Rights Commission <https://equalityhumanrights.com/en> (EHRC, 2019).

Any act of restrictive practice has a potential to interfere with a person's fundamental human rights and everyone has an obligation to respect human rights. All acts of restrictive practice must be lawful, proportionate and the least restrictive option available.

Section 1 - What the Law Says

1.1 This guidance should be viewed within the framework of Welsh Assembly Government "Inclusion and Pupil Support" Guidance (2016), Welsh Office Circular 37/98, The Welsh Assembly Guidance, "Reducing Restrictive Physical Practices Framework (2021)" and the HM Government Guidance (2019) on "Reducing the Need for Restraint and Restrictive Interventions – How to Support Children and Young People with Learning Disabilities, Autistic Spectrum Conditions and Mental Health Difficulties who at Risk of Restrictive Intervention" in health, education and social care settings". In addition, it should be considered alongside the overall suite of guidance from Welsh Government including those for exclusions, tackling bullying and the ALN Act (2019) and the Local Authority's Policy on Safeguarding.

Section 93 of the Education and Inspections Act 2006, replaced Section 550A of the Education Act 1996 and enables:

- Teachers and other persons authorised by the Head Teacher to have charge of pupils and they may use reasonable force to prevent pupils :
 - causing injury to themselves
 - causing injury to others
 - committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility)
 - causing serious damage to property
 - causing disruption by engaging in behaviour which is seriously prejudicial to good order and discipline
- Reasonable force has no legal definition but:

- Staff must take into account, the circumstances of the incident, age, sex, and development of the pupil
- The degree of force must be proportional to the seriousness of the situation, behaviour, or consequences it is intended to prevent, and always be the minimum force needed
- Force could not be justified for a trivial misdemeanour or a situation that could be resolved without it
- Everyone has the right to self-defence provided they do not use a disproportionate degree of force
- Corporal punishment is illegal (Education Act 1986), **(Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 – Ending Physical Punishment (March 2022)**

[The Equality Act 2010 \(Statutory Duties\) \(Wales\) Regulations 2011](#)

Those public authorities subject to the general equality duty must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and those who do not.
- not to treat a disabled pupil less favourably, because of his/her disability, than a non-disabled pupil;
- not to treat a disabled pupil unfavourably because of a reason related to their disability, without justification;
- not to apply a provision, criterion or practice that puts or would put a disabled pupil at a particular disadvantage compared with a non-disabled pupil, without justification;
- to take reasonable steps to avoid putting a disabled pupil at a substantial disadvantage in comparison with a non-disabled pupil (known as the reasonable adjustments duty).

[Convention on the Rights of Persons with Disabilities \(CRPD\)](#)

Especially articles:

- 12 (equal recognition before the law),
- 14 (liberty and security of the person),
- 15 (freedom from torture, cruel, inhuman or degrading treatment or punishment)
- 17 (protecting the integrity of the person).

[United Nations Convention on the Rights of the Child](#)

Especially articles:

- 3 (best interests of the child),
- 12 (right to be heard),
- 16 (right to privacy and family),
- 19 (protection from physical or mental violence and abuse),
- 23 (disabled children),
- 28 (school discipline)
- 37 (protection from torture, cruel, inhuman or degrading treatment or punishment).

- 1.2 The power may be used where the pupil (including a pupil from another school) is on school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).
- 1.3 The statutory power conferred by Section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence, to prevent another person from being injured or committing a criminal offence. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is only available to people authorised to have control or charge of pupils.
- 1.4 **It is always unlawful to use force as a punishment.** This is because it would fall within the definition of corporal punishment, abolished by Section 548 of the Education Act 1996, Ending Physical Punishment Act 2022

Section 2- Responsibilities of Schools

Policy and procedures

- 2.1 It is good practice for a school to have an explicit policy on the use of reasonable force and physical intervention to control or restrain pupils. It is also good practice for governors, staff, recognised trade unions, pupils and those with parental responsibility to be consulted about the policy and for the policy to be approved formally by the Governing Body and made known to staff, pupils and parents either as part of the school's behaviour policy or separately.
- 2.2 As the statutory power to use force would be held by individual members of staff, no school should have a policy of 'no physical contact' because this would make staff members feel deprived of that power or hinder their exercise of it.
- 2.3 It would be sensible for a school's policy on the use of force to describe both the kinds of circumstances the school regarded as justifying the use of force to restrain a pupil (for example, to prevent them injuring somebody) and the kinds of circumstances the school regarded as justifying the use of force to require a pupil to comply with a reasonable instruction. All staff - authorised and unauthorised - need to understand their duty of care and the options open to them. They need to know what is acceptable and what is not. Similarly, all pupils should be made aware of what duty of care is available to school staff and the circumstances under which this duty of care could be used.
- 2.4 A school's policy on use of force should be consistent with but not necessarily part of its behaviour policy. The Welsh Assembly Government guidance on the promotion of positive behaviour and school behaviour policies can be found in the Inclusion and Pupil Support Circular 47/2006. It should also be consistent with the school's policies on safeguarding and health and safety.
- 2.5 A school's policy on the use of force should consider:

- Preventing the necessity for restrictive practice through the development of reduction strategies and through the promotion of a human rights approach.
- Working with individuals through person centred planning to meet individual needs in a way that actively reduces the likelihood of situations arising where restrictive practices are used as a last resort.
- Having measures in place so that when situations arise where restrictive practice are used as a last resort, to prevent harm to the individual or others, there is prior planning and training in place to secure the safety of all concerned.

2.6 A suggested framework for a school policy is given in **Appendix 2**

Section 3 - Reducing the likelihood of situations arising where use of force may be required

3.1 The best way to avoid restrictive practices is to work preventatively and meet needs before crisis arises. However, there may be rare occasions when it is necessary to use restrictive practices to prevent harm to an individual or others. It is never lawful to use restraint to humiliate, degrade or punish people. Proactive strategies should include:

- environmental changes, to make the environment more suitable for the individual, and teaching new skills or behaviours, so that behaviours that challenge become less likely.
- creating a calm, orderly and supportive school climate that minimises the risk and threat of violence of any kind
- communicate calmly with the pupil, using non-threatening verbal and body language and ensuring the pupil can see a way out of a situation. Strategies might include, for example, going with the staff member to a withdrawal space, away from bystanders or other pupils, so that the staff member can listen to concerns; or being joined by a particular member of staff well known to the pupil
- wherever practicable, warning a pupil that force may have to be used before using it
- reactive strategies should include person-specific alternatives to the use of restrictions, for example, distraction, de-escalation, active listening, or withdrawal
- restrictive practices must be part of an overall person-centred approach and should be tailored specifically to the individual for whom it is being used, in particular, for individuals who are at greater risk due to age, frailty, health problems, trauma history or other risk factors
- it should be clear within the Risk Assessment or Positive Handling/Risk Reduction Plan (**Appendix 3&4**) for individual pupils assessed as being at greatest risk of needing restrictive physical interventions in consultation with the pupil and his or her parents or carers. Any planned potential use of physical intervention should be compatible with a pupil's Statement / IDP and properly documented in school records
- Restrictive practices should be used within the context of an overall therapeutic relationship and never used as punishment

Section 4 - Pupils with additional learning needs and/or disabilities

4.1 The following advice is particularly relevant to pupils with ALN and/or disabilities:

Teach pupils who are at risk how to communicate in times of crisis and strategies to use in a crisis (such as using personal communication passports and non-verbal

signals to indicate the need to use a designated quiet area or cool-off base) and ensure staff are familiar with these strategies.

- 4.2** Children are vulnerable by virtue of their age, they are developing physically and psychologically, which makes them particularly vulnerable to trauma and harm because of restrictive practices. As far as practically possible, make staff who, come into contact with such pupils, aware of the relevant characteristics of those individuals, particularly:
- i. People who have past trauma (ACE's), who experience communication barriers, or who have other differences, may find certain restrictive practices particularly distressing and may find some situations particularly challenging and harmful;
 - ii. situations that may provoke challenging behaviour, preventive strategies and what de-escalation techniques are most likely to work;
 - iii. what is most likely to trigger a crisis reaction, including relevant information relating to any previous incident requiring use of physical intervention; and
 - iv. if physical intervention is likely to be needed, any specific strategies and techniques that have been agreed by staff, parents and the pupil concerned. (Parent agreement not required by law due to Duty of Care but its good practice)

Section 5 - Ensuring staff know who has statutory power to use reasonable force

- 5.1** The Headteacher or delegated senior member of staff is advised to do the following:
- As part of an induction process, explicitly inform the people concerned of their responsibilities in relation to the school policy on use of reasonable force. He/she should make clear that all teachers and staff which the headteacher has authorised, or temporarily authorised, to have control or charge of pupils automatically have the statutory power to use reasonable force or restrain as a last resort in 'an emergency situation' to maintain a safe environment
 - A school policy cannot lawfully prevent teachers or other staff whose job involves having control or charge of pupils from using that power regardless of whether they have received training. However, schools should make it clear to staff that unreasonable or inappropriate use of force may lead to disciplinary action.
 - Keep an up-to-date record of those staff who are Team Teach trained. Given the requirement for schools to maintain a central, up-to-date record of the DBS status of all staff and volunteers, they may wish to align these two sets of records

Section 6 - Deciding if the use of reasonable force would be appropriate

- 6.1** The judgment on whether to use reasonable force and what force to use should always depend on the circumstances of each case and - crucially in the case of pupils with ALN and/or disabilities - information about the individual concerned.
- 6.2** Decisions on whether the precise circumstances of an incident justify the use of significant force must be reasonable. Typically, such decisions must be made quickly,

with little time for reflection. Nevertheless, staff should make the clearest possible judgments about:

- Restraint should only ever be used within the principles of least restrictive and last resort. That is the least restrictive method with the least amount of force (proportional to the risk) for the minimum amount of time.
- They should only be used if 'absolutely necessary' (if there is a genuine belief that harm is likely to occur to the individual or others if it is not used, and if other less restrictive methods have been tried and have failed)
- Restraints that cause pain intentionally should never be used

Section 7 - Risk assessments

- 7.1** Leadership teams are advised to assess the frequency and severity of incidents requiring use of force that are likely to occur in their school. Historical patterns usually provide a good starting point. These assessments will help to inform decisions about staff training (**Appendix 3**).
- 7.2** Schools may also need to make individual Risk Assessments, Risk Reduction / Positive Handling Plan where it is known that force is more likely to be necessary to restrain a particular pupil, such a pupil whose ALN and/or disability is associated with extreme behaviour, such as:
- communication impairments that make them less responsive to verbal communication;
 - physical disabilities and/or sensory impairments; conditions that makes them fragile, such as haemophilia, brittle bone syndrome or epilepsy; or
 - dependence on equipment such wheelchairs, breathing or feeding tubes.

Section 8 - Situations where staff should not normally intervene without help

- 8.1** An authorised member of staff should not intervene in an incident without help unless it is an emergency. Schools should have communication systems that enable a member of staff to summon rapid assistance when necessary. Help may be needed in dealing with a situation involving an older or physically stronger pupil, a large pupil, more than one pupil or if the authorised member of staff believes he or she may be at risk of injury. In these circumstances he or she should take steps to remove other pupils who might be at risk and summon assistance from other authorised staff, or where necessary (only when proportionate) phone the police.

Section 9 - Using force

- 9.1** Before using force staff should, wherever practicable, advise the pupil of their choices and communicate in a calm and measured manner throughout the incident. Staff should not act out of anger or frustration, or in order to punish a pupil, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.
- 9.2** The types of force or intervention used could include:

- passive physical contact resulting from standing beside pupils, blocking a pupil's path or using Caring C's to prompt or guide.
- active physical contact such as:
 - (i) leading a pupil by the hand or elbows using Caring C's;
 - (ii) ushering a pupil away by applying a help hug which is caring C's to each arm.
- using more appropriate restrictive holds
 - (iii) which in more extreme circumstances, may well require specific expertise or training.

9.3 Where there is a high and immediate unforeseeable risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result.

9.4 Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a pupil.

9.5 Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

9.6 We recognise that some children may not be able to control their reaction to events as well as others and at times may place themselves or others at risk through their uncontrolled behaviour. As indicated previously, reasonable force might be appropriate when action is necessary in self-defence or because of imminent risk of injury. E.g.

- Pupil attacks a member of staff, another pupil, attempt self-injury, or where pupils are fighting
- Pupil running in stairway or corridor in a way that is likely to cause injury to self or others
- Pupil absconds from a class or tries to leave school and who would be judged to be at risk if not kept in the classroom or at school.

There is a serious and developing risk of damage to property, including the pupil's own property. E.g.

- Pupil is causing or about to cause deliberate damage or vandalism
- Pupil is causing or at risk of causing injury or damage by accident, rough play, misuse of dangerous materials or objects

Where pupil's behaviour is seriously prejudicial to good order and discipline. E.g.

- Pupil persistently refuses to obey an order to leave the classroom (physical intervention cannot be used for non-compliance)
- Pupil is behaving in a way that is seriously disrupting a lesson

NB *Wherever possible early support from colleagues should be sought. Single handed intervention increases the risk of injury to both parties and does not provide the person intervening with the support of a colleague acting as a witness/critical friend.*

9.7 Strategies other than force would therefore need to be considered. Examples are outlined below

- Use a calm and measured approach
- Tell the pupil to stop, offer them a choice, remind them of consequences, let them know what will happen if she/he does not stop
- Seek assistance from other colleagues at an early as stage as possible
- Try to defuse the situation by talking with the pupil and prevent further escalation
- Try to remove the pupil from the peer audience
- Staff who become aware that another member of staff is intervening physically with a pupil have a responsibility to provide a presence, and to offer support and assistance should this be required
- Attempt to communicate with the pupil throughout the incident
- In as calm a manner as possible, explain that the reason for intervention is to keep the pupil and others safe
- Make it clear that positive handling will stop as soon as the pupil calms and a dynamic risk assessment indicates it is no longer necessary
- If it is not possible to control the extreme pupil without risk of injury to yourself or others, remove the other pupils who may be at risk and summon assistance.

9.8 It is good practice for staff to:

- Give the impression they are in control
- Give the impression they have not lost their temper or are not acting out of anger or frustration
- Give the impression they are not trying to punish the pupil
- Call for assistance
- Intervene with the support of a colleague acting as a critical friend
- Implementing Team Teach help protocols so that another member of staff takes over the strategic lead of the incident, if he/she feels it is appropriate to do so

Section 10 - Recording and Reporting Incidents

10.1 Records can provide evidence of defensible decision making in case of a subsequent complaint or investigation. All incidents where physical contact has been made with a child within the principles of Team Teach, should be recorded in a **Bound & Numbered Book**.

10.2 Schools are required to keep systematic records of every incident where physical contact has been made as part of a behaviour intervention. If a significant incident in which force has been used, or a restrictive hold applied, in accordance with school policy and procedures on the use of reasonable force and its safeguarding requirements, then a record must be submitted to the LA Restraints Inbox. This could either be a scanned copy of the Bound & Numbered Book entry (**Appendix 1**) or schools may wish to further record the incident using the LA '*Physical Intervention/Restraint Recording Form*' (**Appendix 5**). Please note that only one copy of either the B&N book entry or LA Form needs to be submitted (not both).

The purpose of recording is to ensure policy guidelines are followed, to inform future planning as part of school improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry. It is essential that the child/young person is provided with an opportunity to express his/her view, and that this is clearly recorded.

10.3 Schools may find the following questions helpful in deciding whether an incident is significant, which requires the written record to then be submitted to the LA:

- Was there a safeguarding concern?
- Did the incident cause injury or distress to a pupil or member of staff?
- Did the incident require a restrictive hold, i.e., 1 person single elbow, 1 person double elbow, 2 person single elbow, figure of four, beanbag hold etc.?
- Is a written record needed to be able to justify the use/application of force where there is a level of resistance? This is particularly relevant where the judgement was very finely balanced.

10.4 When staff members are required to use reasonable force to restrain or restrict a pupil's physical movement, then the incident becomes a physical intervention restraint, therefore must be submitted to the LA; schools are only required to submit a record of the incidents on these occasions.

10.5 The use of passive physical contact, i.e., guiding elbows, caring c's, help hugs, comfort and reassuring touch etc. where the child is moving in the desired direction and not resisting, then these incidents should still be recorded in school's Bound and Numbered Books, but with no requirement to submit this for monitoring by the LA. Staff may find it helpful to seek the advice of a senior colleague or a representative of their professional association when recording a significant incident.

10.6 If schools are required to submit a copy of the record of the incident to the LA, then this should be sent to the LA **within 24 hours of the restraint** taking place. The signed form should be scanned and sent via email to restraint@caerphilly.gov.uk.

10.7 The member of staff involved in an incident is best placed to compile the record. Differing accounts given of the same incident should all be recorded and signed by all involved. It would be good practice for the member of staff with lead responsibility for safeguarding to check the record and quality assure its contents. Staff training could usefully include good practice on completing incident records.

10.8 It is not standard practice to give parents a copy of the incident record, but parents should be informed, at the earliest opportunity, when and where an incident took place, which members of staff were directly involved (made anonymous where necessary), why they decided that force had to be used, what force was used, whether there were any injuries and what follow-up action (support and/or disciplinary) was being taken in relation to their child. It is advisable that the school's policy on making a record following such incidents is contained within its policy on the use of force and drawn to the attention of members of staff, parents and pupils. 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.

- 10.9** The recording will form part of the pupil's educational record as it is a record of information which is processed (obtained, recorded and held) by or on behalf of the Governing Body of the school for data purposes only; all information provided to Governing Body should maintain anonymity.
- 10.10** Although a copy of the incident record is not provided by the school as mentioned above, the parent would be entitled to see the educational record free of charge, within 15 school days of receipt of the parent's written request. If a parent makes a written request for a copy of the record this must be provided, also within 15 school days of that request being received. Information provided to a parent may need to be redacted to omit information about third parties. If parent or pupil regards any part of the record to be inaccurate, it is the responsibility of the governing body to correct or remove the information from the record. Schools should seek advice from the LA Information Governance Department when a request is made.
- 10.11** When schools comply with a request to see or to have a copy of a pupil's educational record there is some information that must not be disclosed. This is any information that the child him/herself could not lawfully be given under the Data Protection Act 1998, or to which s/he would have no right of access under that Act or by virtue of any order made under section 30(2) or section 38(1) of it. Further detail on what data contained in educational records may be disclosed is contained in the Welsh Government's guidance on "Educational Records, School Reports and the Common Transfer System" - the keeping, disposal, disclosure and transfer of pupil information, (January 2022). When recording such incidents, staff should bear in mind that, if this information is later passed to the police, it may be included in a Criminal Records Bureau disclosure. Schools should retain records of such incidents until the member of staff involved has reached normal retirement age or for 10 years from the date of the allegation if that is longer.
- 10.12** All injuries should be recorded in accordance with school procedures. The school should take action to report relevant injuries to staff or pupils to the Health and Safety Executive's Incident Contact Centre www.hse.gov.uk/riddor/index.htm. Members of staff who have been assaulted may wish to consider reporting that to the police in extreme circumstances.
- 10.13** It is good practice for governors to monitor incidents where force has been used. Head teachers have an important role in reporting such incidents to the Governing Body (anonymised). Pupil Referral Units (PRUs) in accordance with the LAs reporting arrangements will report all incidents of physical intervention to the PRU Management Committee. Head teachers should include data of number of physical interventions carried out in school when reporting to Chair or Safeguarding Governor as a means of monitoring.
- 10.14** All 'restraints' are monitored by the LA on a weekly basis and follow up support, advice and intervention will be provided where necessary. In accordance with the LAs reporting arrangements, key data will be reviewed monthly; information may be reported to SMT and may be shared with elected members via the Scrutiny process.

Section 11 – Staff & Pupil De-brief

11.1 Quality de-brief is an important part of the process to learn from the incident and reflect on practice. Listening and Learning is likely to have a positive influence on restrictive practice reduction initiatives through its role in the repair of trusting relationships and re-establishment of feelings of safety.

Pupils and members of staff will be checked appropriately for any sign of injury and first aid will be administered if required.

11.2 The pupil and staff member/s involved will be given time to become calm while staff continue to supervise him/her. When it is judged that the pupil is regulated, the relevant staff will discuss the incident with the pupil.

Pupil de-brief should:

- Capture pupil voice
- Support the pupil to connect emotions and behaviours
- Explore and practice what to do differently next time
- Repair the relationship
- Should happen on the same day or when the pupil returns to school

11.3 A meaningful pupil de-brief should not be avoided for fear of re-escalation as this allows for reflection and is a key part of developing positive behaviours.

11.4 All members of staff involved will be allowed a period to debrief and recover from the incident. This may involve access to external support. A senior member of staff will provide opportunity for support and reflection to the member of staff involved.

Staff de-brief should:

- Promote a culture of non-blaming reflective practice in a supportive and caring manner
- To explore how staff felt both during and after the incident
- Explore underlying issues leading up to the incident
- Examine what worked and what did not work to inform future learning
- To develop and record a strategy or alternatives for next time

Section 12 - Staff Training

12.1 All schools should set out their approach to relevant training in their school policy on the 'use of force or physical intervention to restrain or control pupils'.

12.2 Individual schools will need to determine the level of staff training based on their own Settings individual needs and circumstances. It is good practice for all staff who supervise pupils to have such training, although mandatory.

12.3 Schools will also need to make a judgement on the level and form of training that they provide to those who have been given temporary authorisation.

- 12.4** Further to extensive consultation with schools, the preferred model of training promoted by the LA is Team Teach. The training is coordinated by the LA (in some settings) & other providers, such as Positive Behaviour Team Ltd (PBT), New Directions etc .
- 12.5** Where the risk assessments indicates a higher level of risk and that more restrictive strategies may be required, then the school may need to:
- seek further advanced training, which would build on training delivered at intermediate level
 - consider annual refresher training for those settings with specialist provision, i.e., Special Schools/SRB/EBSD
- 12.6** Minimum expectation is that training should be Refreshed as follows:
- Team Teach Positive Behaviour Support Level 1 - every 3 years.
 - Team Teach Positive Behaviour Support Level 2 - every 2 years

Section 13 – Post incident Support

- 13.1** Post incident support gives due attention to the physical and emotional wellbeing of all individuals involved. That is, to make sure that the people involved are looked after. Investigation, recording, reporting, reviewing, and monitoring are extremely important but not the immediate priority. 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 school procedures.
- 13.2** Organisations have a duty of care towards practitioners and should recognise that workplace stress can have an adverse impact on the quality of practice. Appropriate measures to support the wellbeing of the workforce should be in place. Care first website www.carefirst-lifestyle.co.uk

Section 14 - Safeguarding

- 14.1** Managers should be watchful for signs of restrictive cultures developing. They should facilitate regular discussion about restrictive practices and create a non-blaming environment where practice can be discussed and questioned. Head Teachers should ensure that the monitoring and review of individual personal plans include consideration of planned restrictive practices and reduction guidelines. Particular attention should be paid to the language that is used to describe individuals and incidents; it should be objective, accurate and respectful.
- 14.2** Organisations must ensure that practitioners understand their safeguarding responsibilities and are familiar with the organisation's safeguarding policy and procedures. Safeguarding issues must be reported to social services or the police in line with requirements set out in the [Wales Safeguarding Procedures](#) and relevant guidance:
- Working Together to Safeguard People Volume 1: Introduction and Overview <https://gov.wales/safeguarding-people-introduction>

- Working Together to Safeguard People Volume 5: Handling Individual Cases to Protect Children at Risk <https://gov.wales/safeguarding-childrenrisk-abuse-or-neglect>
- Working Together to Safeguard People Volume 6: Handling Individual Cases to Protect Adults at Risk <https://gov.wales/safeguarding-adults-riskabuse-or-neglect>

- 14.3** Where there is any indication that restrictive practices are being used inappropriately this must be reported as a safeguarding concern.
- 14.4** Organisations should ensure that practitioners are made aware of the organisation's Whistleblowing Policy <http://sc-aptdken2/KENTICO10/getattachment/80515790-32c5-47ea-991b-653d324684e8/Whistleblowing-Policy.aspx>
- 14.5** Organisations should ensure that individuals, their families, and carers receive information about the organisations work to reduce restrictive practices, their right to make a complaint and the relevant process for making a complaint. They should also receive clear information on how to report a safeguarding concern.

Section 15 – Complaints

- 15.1** This policy should be read in accordance with WG Schools Complaints Procedure – guidance (December 2022) and School's own Complaints Procedures ; as such, those acting in accordance with it, providing they act in good faith, working within the authority guidelines, will be positively supported in their actions.
- 15.2** Involving parents when an incident occurs, and having a clear policy that staff adhere to in relation to physical contact with pupils will help avoid complaints from parents. Providing staff with training from an approved provider will also help.
- 15.3** All complaints will be recorded and followed up by the Head Teacher or their representative in the first instance. Where appropriate the Authority will be notified/kept informed.
- 15.4** A complaint or dispute about the use of force by a member of staff might lead to an investigation under disciplinary procedures or by the Police/LA under S.5 Practitioner Concerns of the Wales Safeguarding Procedures.

Section 16 – Use of Reasonable Force to Search For Weapons

- 16.1** The Welsh Government, as part of its measures to reduce violent crime and to maintain safety in schools, has introduced a power, contained in Section 45 of the Violent Crime Reduction Act 2006 which allows schools in Wales to be able to screen any pupil for a knife or other weapon, and search pupils 'suspected' of carrying a weapon (*WAG Safe & Effective Intervention – Use of Reasonable Force & Searching For Weapons 097/2013 March 2013*)
- 16.2** The new statutory search power, under education law, allows schools to search without consent, though within a range of safeguards: If a pupil refuses to be screened, the school may refuse to have the pupil on the premises or on an off-site educational visit. The school has a statutory power to make reasonable rules as a condition of

admission. If the pupil fails to comply, and the school does not let the pupil in, it is unauthorised absence: the school has not excluded the pupil. If the pupil continues to refuse to be screened the head teacher may wish to consider the use of exclusion on the basis that this is a persistent and open defiance of the school's behaviour policy.

16.3 If a school decides a search would not be safe, they should **call the police**. The guidance emphasises, the power to search is just a 'power' not a 'duty': it should only be used where school staff judge that it is **safe to do so**.

16.4 Considerations prior to a search:

- Some searches might be helped by a parent's presence where that is practicable; parents should always be informed where a search is/has taken place
- Two members of staff must be present at a search of a pupil or his possessions
- Staff must be of the same sex as the pupil searched (unless the pupil identifies otherwise)
- The pupil's privacy and dignity should be safeguarded at all times
- In some cases, it might be advisable to take the pupil to a separate room, for example if the pupil is to be asked to remove a religious head covering

Appendix 1 – Bound & Numbered Recording Sheet

BOUND AND NUMBERED BOOK v 9

1

RISK ASSESSMENT AND SIGNIFICANT INCIDENT / RESTRAINT / RESTRICTION RECORD

For Additional Details Refer To Supporting Documentation

Name of the child or young person concerned: _____ Age: _____

Name of the person using the measure: _____

Names of any other people present: _____

Name of person completing this record: _____

Date: _____ Time: _____ Location: _____

Details of the behaviour leading to the use of the measure (what the child or young person was doing or saying):

Details of any methods used to avoid the need to use that measure (what you did - what you said - what you tried):

☐ Humour ☐ Verbal advice and support ☐ Firm clear directions ☐ Negotiation ☐ Limited Choices ☐ Distraction ☐ Diversion
☐ Reassurance ☐ Planned Ignoring ☐ Contingent Touch ☐ Calm talking ☐ Calm Stance ☐ Patience ☐ Withdrawal Offered ☐ Withdrawal Directed ☐ Swap Adult ☐ Reminders about Consequences ☐ Success Reminders

Why Was The Measure Necessary? - (describe your dynamic risk assessment and why you honestly believed that the measure you chose was in the best interests of the child or young person)

☐ Risk to Self ☐ Risk to Others ☐ Risk to Safe Physical Environment ☐ Risk to Safe Psychological Environment ☐ Prevention of Psychological Distress ☐ Prevention of Physical Harm ☐ Prevention of Criminal offence ☐ Temporary Loss of Competence or Capacity

A description of the measure used (what you did and what you said):

The effectiveness of the measure:

Duration of any measure of physical restraint or restriction in minutes and any time intervals between provision of active support:

Any consequences of the use of the measure:

A description of any injury to the child concerned or any other person:

A description of any medical treatment ☐ offered or ☐ administered:

External Agencies Informed and supporting records:

☐ Medical Referral _____ (Date and/or log number)

☐ Social Worker _____ (Date and/or log number)

☐ Health & Safety Report (RIDDOR) _____ (Date and/or log number)

☐ LADO _____ (Date and/or log number)

☐ Safer Schools Partnership Support Officer _____ (Date and/or log number)

☐ Placing Authority _____ (Date and/or log number)

☐ Responsible Parent _____ (Date and/or log number)

☐ Confirmation that the person authorised to make the official record has spoken to the child or young person concerned and the person using the measure about the use of the measure and the feelings of both of them.

Views of the young person and any additional comments:

Name and signature of the person authorised to make this record: _____

Name, signature and designation of person monitoring the records: _____ Date Checked: _____

Appendix 2

Suggested Framework for School Policy

This policy is to assist all staff in the school to deal effectively with challenging behaviour; to ensure that staff are protected from harm and that pupils are protected from any form of physical intervention or restraint which is inappropriate or unlawful. A school's policy on use of force should be consistent with, but not necessarily part of, its Behaviour policy. It should also be consistent with the school's policies on safeguarding and health and safety. It is recommended that a policy should be organised into sections covering the following:

- Introduction;
- School expectations;
- Positive behaviour management;
- Risk assessment and planning for potential use of restrictive physical interventions;
- Use of restrictive physical interventions in unforeseen and emergency situations;
- Reporting and recording use of restrictive physical interventions;
- Monitoring use of restrictive physical interventions;
- Post-incident support;
- Safeguarding;
- Staff training, and
- Responding to complaints.

Each of these are considered in turn in the sections below.

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

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 head teacher to control or restrain pupils. Teachers and other authorised school staff are reminded that use of physical force must be reasonable and comply with:

- Local authority policies.
- The Children and Young People's Plan.
- School discipline and behaviour policies.

School 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, diffusion 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 school disciplinary or safeguarding procedures.

Issues for schools/settings to address

- Which staff other than teachers will be authorised to use restrictive physical interventions in your school?
- By what process will staff be selected and authorised to use restrictive physical interventions in your school?
- In what situations would the school consider it appropriate for teachers and other authorised school staff to use restrictive physical interventions?
- What kinds of actions would be viewed as using reasonable physical intervention in your school?
- What kind of actions involving use of physical intervention would be viewed as unwarranted, excessive or punitive in your school?
- What course of action will be taken in the event of staff failing to comply with this policy?

Positive Behaviour Management/Risk Reduction

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

- understand the child's behaviours;
- understand the factors that influence this child's behaviour; and
- 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 and a last resort.

School staff should refer to the school's behaviour policy when developing and implementing behaviour management/positive handling/risk reduction plans (**Appendix 4**). All behaviour management and positive handling/risk reduction plans should be formally agreed and ratified before implementing them in school. Plans should be formally recorded in accordance with school procedures and set out the action taken to:

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

Risk assessment and planning for use of restrictive physical interventions

Schools should acknowledge that some children behave in ways that make it necessary to consider the use of restrictive physical intervention as part of a behaviour management plan. All identified behaviours necessitating use of physical intervention should be formally risk assessed (**Appendix 3**). The resulting risk management strategy must be compatible with a positive behaviour management/handling/risk reduction approach.

Restrictive practices must be part of an overall person-centred approach and should be tailored specifically to the individual for whom it is being used, in particular for individuals who are at greater risk due to age, frailty, health problems, diagnosis, trauma history or other risk factors. It should be clear within the behaviour support guidelines why that intervention is most appropriate for them. Restrictive practices should be used within the context of an overall therapeutic relationship and never used as punishment.

Issues for schools/settings to address

- How will the school involve parents and others who know the child, in the process of developing behaviour management/handling plans?
- What process is to be used to agree and ratify behaviour management, positive handling/risk reduction plans for use in school?
- How will behaviour management, positive handling/risk reduction plans be recorded?

Intervention must be clearly shown to be in keeping with the pupil's statement and his or her individual education plan / Individual development plan / PEP. It should also be properly documented within school 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 supporting 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 physical intervention in and out of school. In the event of disputes over, or concerns about, techniques and methods being considered/used, an interim school strategy/safeguards should be agreed, and the matter referred to the LA. If necessary, an oversight and decision might be required by an independent officer of the LA, namely the Child Protection Coordinator.

Issues for schools/settings to address

- For what kinds of behaviours would the school view it necessary to consider planned use of physical intervention?
- What action does the school intend to take to assess and manage the risks?
- What steps does the school take to ensure that all staff coming into contact with pupils who may represent a risk have necessary information on the pupil concerned?
- How will the school 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 wellbeing support plan?
- What action will the school take to assess techniques and methods for implementing planned use of physical intervention?
- Who will the school work in partnership with to agree the techniques and methods to be used to implement planned use of physical intervention, ie recognised training providers?
- What process is in place for you to refer disputes or concerns to the LA?

Use of restrictive physical interventions in unforeseen and emergency situations

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 diffusion to de-escalate the situation;
- when using force - staff must use techniques and methods with which they are familiar, confident and are permitted by the school; and
- in exceptional circumstances (where permitted techniques are ineffective or staff are unfamiliar with the action they should take) – staff manage the situation as best they can to comply with Section 93 of the Education and Inspection Act 2006.

Staff should always report and record use of physical force that occurs in unforeseen or emergency situations using school procedures.

In addition, the Welsh Government, as part of its measures to reduce violent crime and to maintain safety in schools, has introduced a power, contained in Section 45 of the Violent Crime Reduction Act 2006 which allows schools in Wales to be able to screen any pupil for a knife or other weapon, and search pupils 'suspected' of carrying a weapon. The new statutory search power, under education law, allows schools to search without consent, though within a range of safeguards. If a pupil refuses to be screened, the school may refuse to have the pupil on the premises or on an off-site educational visit.

If a school decides a search would not be safe, they should **call the police**; the power to search is just a 'power' not a 'duty': it should only be used where school staff judge that it is **safe to do so**.

Issues for schools/settings to address

- What kind of unforeseen or emergency situations might staff find themselves in within your school?
- 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 system do schools have in place for searching for incidents where a pupil is suspected of carrying a weapon; what action will staff take if a weapon is located?
- What actions are staff required to take to report and record use of physical force in unforeseen and emergency situations?
- 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?

Assessing and Managing Risks for Children Who Present Challenging Behaviours

The risk assessment and positive handling/risk reduction plan (**Appendix 3 & 4**) has been designed to help teachers, learning support assistants and other adults working in special schools 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.

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 judgments 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:
 - Limiting the level of inherent risk to which children and others are exposed;
 - Taking calculated risks to broaden the child's experience and maximise his or her individual potential;
 - Avoiding unreasonable risks for this child and others; and
- Ensuring 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, schools 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.

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; and
- **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.

In this part, it is assumed that the school will apply the risk assessment and management proforma **Appendix 3**. For some pupils, it will be appropriate for the LA to conduct the initial assessment, followed by updating by the school.

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

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; and
- 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 schools to seek advice from other bodies. These may include:

- The Gwent Safeguarding Board for concerns in relation to children (and adults in some circumstances/settings);
- The Health and Safety Executive for concerns in relation to school staff and others;
- Medical advisers;
- Legal advisers;
- The LA Education Safeguarding/Inclusion
- Social services.

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. Proactive strategies should include environmental changes, to make the environment more suitable for the individual, and teaching new skills or behaviours, so that behaviours that challenge become less likely. In agreeing the risk management strategy, it is important to be explicit about

- risks that continue to exist, even when the strategy is fully implemented
- risks that can be reduced by implementing the strategy
- risks that can be prevented by implementing the strategy
- risks inherent in the strategy.

The agreed risk management measures should form the basis of the child's behaviour management/positive handling/risk reduction plan and the school's risk management strategy. All decisions made about risk management options should be recorded in accordance with school procedures. When selecting risk management procedures for the child's behaviour management plan and the school risk management strategy, schools 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 schools 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, school 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 schools to seek advice from the people or bodies listed in the preceding section.

Sharing and communicating an agreed approach

Once agreed, the Risk Reduction Plan, Positive Handling 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 and other school staff; and
- Other professionals involved with the child, child protection teams and other agencies.
- Schools should keep a record of those informed about the strategy.

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 school procedures. All incidents requiring the use of physical contact, intervention or restraint should be thoroughly and systematically documented within school records such as registers, logs, incident books. Only when staff members are required to use reasonable force to restrain or restrict a pupil's physical movement, this must be recorded in a **bound and numbered book**. Schools are only required to submit a scanned copy of the bound and numbered page or LA physical intervention recording form on these occasions. All completed recording forms should be typed, signed (by the Head Teacher/Teacher in Charge and all staff involved). Any recordings of restraints should be submitted to the LA **within 24 hours of the restraint** taking place. The signed form should be scanned and sent via email to restraint@caerphilly.gov.uk.

The school 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 schools/settings to address

- How are incidents to be reported and recorded?
- What action will the school take to inform parents and the local authority about incidents?

Monitoring use of restrictive physical interventions

Use of physical intervention in school should be monitored in order to help staff learn from experience, promote the wellbeing of children in their care, and provide a basis for appropriate support. The lessons learnt may provide a strategy for avoiding the use of

physical intervention if similar incidents recur. Monitoring can help schools to determine what specialist help is needed for children and to assess the appropriateness of the child's placement at the school. Information on trends and emerging problems should be shared within the school using local procedures. Monitoring information/data should be reported on a regular basis to school governors.

Issues for schools/settings to address

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

Evaluating impact and effectiveness

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

Physical contact with pupils in other circumstances

There are occasions when physical contact with a pupil may be proper or necessary other than those covered by Section 93 of the Education and Inspections Act 2006. Some physical contact may be necessary to demonstrate exercises or techniques during physical education lessons, sports coaching or craft, design and technology or if a member of staff has to give first aid. Young children and those with ALN may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is being congratulated or praised, or where the pupil is in distress and needs comforting. Teachers will use their own professional judgement when they feel a pupil needs this kind of support.

There may be some pupils for whom touching is particularly unwelcome. For example, some pupils may be particularly sensitive to physical contact because of their cultural background or because they have been abused. It is important that staff who may come into contact with these pupils or groups of pupils should have the relevant information and that the school has a system for informing them. In addition, the school will need to develop clear common practice towards particular groups of pupils and events. There should be a common approach where staff and pupils are of different sexes. Physical contact with pupils becomes increasingly open to question as pupils reach and go through adolescence, and staff should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

Post-incident support

Serious incidents that require use of force can be upsetting to all concerned and may result in injuries to the pupil or to staff. Immediate action should be taken to provide first aid for any injuries and all injuries should be reported and recorded in accordance with school procedures. It is also important to ensure that staff and pupils are given emotional support. Organisations have a duty of care towards practitioners and should recognise that workplace stress can have an adverse impact on the quality of practice. Appropriate measures to support the wellbeing of the workforce should be in place. Care first website www.carefirst-lifestyle.co.uk

Issues for schools/settings to address

The letter/telephone call to parents informing them about the use of force can also be used to engage them in discussing the incident and for setting out subsequent actions and support. It is good practice for parents to be involved in agreeing appropriate support arrangements. For parents of pupils whose behaviour is associated with ALN and/or disabilities, it is advisable to agree an individual behaviour plan/positive handling/risk reduction Plan. Such plans would include strategies to prevent and deal with any recurrence of behaviour that could lead to the use of force.

Schools are also advised to:

- decide whether multi-agency partners need to be involved and, if so, which partners. This could include local authority children's services, Child and Adolescent Mental Health Services or the Youth Offending Services (if the pupil is already under their supervision or has been identified by the YOS as being at risk of becoming engaged in criminal or anti-social behaviour);
- where a pupil is responsible, hold the pupil to account so that he or she recognises the harm caused or which might have been caused. This may involve giving them the opportunity to repair the relationships with staff and pupils affected by the incident and/or to develop their social and emotional skills. In some cases, an incident might lead to a decision to exclude a pupil. In these circumstances head teachers must have regard to the Welsh Government's guidance on Exclusion from Schools and Pupil Referral Units, Circular 1/2004;
- help the pupil and staff develop strategies to avoid such crisis points in future and inform relevant staff about these strategies and their roles;
- ensure that parents and pupils are aware of the school's complaints procedures; and
- ensure that staff and pupils affected by an incident have continuing support for as long as necessary in respect of:
 - i. physical consequences;
 - ii. support to deal with any emotional stress or loss of confidence; and
 - iii. opportunity to analyse, reflect and learn from the incident.

Safeguarding

Organisations must ensure that practitioners understand their safeguarding responsibilities and are familiar with the organisation's safeguarding policy and procedures. Safeguarding issues must be reported to social services or the police in line with requirements set out in the [Wales Safeguarding Procedures](#) and relevant guidance. Schools should be watchful for signs of restrictive cultures developing. They should facilitate regular discussion about restrictive practices and foster a non-blaming environment where practice can be discussed and questioned.

Issues for schools/settings to address

- Where there is any indication that restrictive practices are being used inappropriately, schools must have a system in place to report these incidents as a safeguarding concern.

- Where there is an incident that requires a search for a weapon, what measures are in place to ensure staff and pupil safety
- Schools should have mechanisms in place to regularly review and monitor the safeguarding culture within their setting.

Staff training

Training in physical intervention methods that are acceptable within the school is available and teachers 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 (**Section 12**). Staff involved in implementing planned use of physical intervention, as part of a behaviour management strategy within the school, 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. **NB: Local Policy is for refresher training to be undertaken as follows:**

- Behaviour Management Level 1 -every 3 years.
- Behaviour Management Level 2 – every 2 years

Issues for schools/settings to address

Where in some settings, the risk assessment indicates a higher level of risk and that more restrictive strategies may be required, then the school may need to:

- seek further advanced training, which would build on training delivered at intermediate level
- consider annual (or a minimum of every two years) refresher training for those settings with specialist provision, i.e., Special Schools/SRB/EBSD
- how will you choose training for your school and what is the training to include?
- how will staff training be recorded, monitored and updated?

Review of 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 success will be dependent on staff competence and expertise. School 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 this should be taken into account in the risk management strategy.

Dealing and Responding to complaints and allegations in relation to the use of physical intervention

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 as set in **Section 15**.

Parents and pupils have a right to complain about actions taken by school staff (Section 29 of the Education Act 2002) and this is set out in the Schools Complaints Procedure.

Schools need to follow the guidance set out in the Wales Safeguarding Procedures (2019) if a specific allegation of abuse is made against a member of staff.

The school must contact IAA in accordance with the WSP and local guidance.

Schools are reminded that where the concerns relate to staff, they must also inform the Human Resource & Education Safeguarding departments as a matter of urgency whereby further advice and guidance including the necessity for risk assessment will be provided.

Other complaints, not specifically relating to staff should be dealt with under the school's complaints procedure which is normally set out in the school's published prospectus or website.

Schools should ensure that practitioners are made aware of the organisation's Whistleblowing Policy <http://sc-aptdken2/KENTICO10/getattachment/80515790-32c5-47ea-991b-653d324684e8/Whistleblowing-Policy.aspx>

Appendix 3

RISK ASSESSMENT

Pupil’s Name:
Date of Birth:
Date:

School:
Completed by:

1 = Low risk, 5 = High risk (risk multiplied by control)

15+ = High level of risk

Risk	Control	High level of risk – additional control

Date for review

School (Positive Handling) Risk Reduction Plan

Name of child:

Plan number:

Positives: What is the pupil good at and what do they like doing?	Triggers: What situations have led to problems in the past?	Successful approaches: What proactive interventions have been effective in preventing the pupil's anxiety
1.	1.	1.
2.	2.	2.
3.	3.	3.
4.	4.	4.
5.	5.	5.

2. Describe any modifications to the environment or pupil routines that can be implemented to prevent anxieties rising?

1. 2. 3. 4. 5.

3. De-escalation/describe any strategies that have worked in the past or should be avoided

<u>Strategy</u>	<u>Description of impact</u>	<u>Try</u>	<u>Avoid</u>
Verbal advice and support			
Firm clear directions			
Negotiation			
Limited choices			
Distraction			
Diversion			
Reassurance			
Planned ignoring			
Reassuring touch			
Talk calmly.			
Time out			
Withdrawal offered			
Withdrawal directed			
Change of adult involved			
Reminders of			

consequences			
Humour			
Success reminders			
Playfulness			
Others			

4. From your risk assessment, what is the likelihood of a child harming himself/herself, another child or adult in the event of an incident? Is it:

	Himself/Herself	Another child	Adult
Improbable			
Possible			
Probable			

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5. Please indicate whether this behaviour is likely to be directed towards a pupil or member of staff:

<u>Type of incident</u>	<u>Towards other pupils</u>	<u>Towards member of staff</u>
Verbal abuse		
Sever disruption of lesson		
Slapping		
Pinching		
Biting		
Punching		
Spitting		
Hair grabbing		
Neck grabbing		
Clothing grabbing		
Arm grabbing		
Body holds		
Weapons/missiles being thrown		

6. Preferred strategy for dealing with above incidents

1 = De-escalation strategies on previous sheet; 2 = Summoning assistance; 3 = Summoning external assistance (police); 4 = One person *double elbow*; 5 = Escort/guide; 6 = Two person single elbow 7 = Seated – hold 8 = ; Beanbag hold 9 = Separate fights; 10 = Shield

<u>Type of incident</u>	<u>Approach</u>									
	1	2	3	4	5	6	7	8	9	10
Verbal abuse										
Sever disruption of lesson										
Carrying/using smoking materials										
Carrying/using mobile phone										
Slapping										
Pinching										
Biting										
Punching										
Spitting										
Hair grabbing										
Neck grabbing										
Clothing grabbing										

Arm grabbing										
Body holds										
Weapons/missiles being thrown										
Self harm										

7. Follow up – debrief and repair following the incident

<u>Where</u>	<u>Staff member with whom the child has a good relationship</u>

8. Notification

	Parent/ Guardian	Social Worker	LEA Officer	GP/ CAMHS	E.P.	Child Protection Officer	Other
Name							
Signature							
Date							

Name of person completing this form:.....

Date:.....

Parent/Carer:.....

Date:.....

APPENDIX 5



Incident Recording Sheet – Restraint/Physical Intervention

Within 24 hours of the restraint taking place, please ensure that a typed, signed copy of this form is:

- Saved on the child's school record/safeguarding file
- Scanned and sent to restraint@caerphilly.gov.uk or faxed to 01443 866725
- Incident is recorded in school's Bound & Numbered book

Basic Information

Name of School				SRB/EBD/Special School	Yes/No *
Name of Pupil				D.O.B	
Ethnicity		Sex		Disability	Yes/No *
Location of Incident				Date of Incident	
Time of Incident		Duration of Incident		Duration of Restraint	
Full names of staff involved					
Names of staff & initials of pupils who witnessed the incident					

Reason for Intervention – please delete as appropriate

Risk of personal injury to pupil	Yes / No
Risk of injury to another person	Yes / No
Risk of significant damage to property	Yes / No
Compromising good order and discipline	Yes / No
At risk of committing criminal offence	Yes / No

Details of the Incident

What happened prior to the restraint/physical intervention • list any triggers • what action was taken to try to de-escalate the situation	
Description of the restraint/physical intervention • At what point did staff decide to intervene • How was the pupil held/restrained • What conversation/reassurance took place with the pupil during the	

physical intervention	
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Level of Risk – please delete	Low / Medium / High
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Tick and/or describe precisely what the risk was					
Verbal Abuse		Slap		Punch	
Bite		Pinch		Spit	
Kick		Hair Grab		Neck Grab	
Clothing Grab		Body Holds		Arm Grab	
Throwing Objects		Weapon		Other	
Other:					
Who was at Risk?					

Method of Physical Intervention/Restraint

How was the pupil held? - Name of hold - Number of adults	
Has the pupil been physically restrained before? Please indicate all dates	

Outcome of Incident

Was anybody Injured? - Who was injured - Nature of injuries - Treatment required	
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Follow up action

Were other agencies contacted? - Medical Staff - Children's Services - Education Safeguarding (CLA) - Police	
Parent/Carer informed - Name of parent/carers - Method of contact - Time - Date	
Review of Child' Plan Positive Handling Plan updated Or any other related plans	
Debrief discussion with pupil/child's views - Please indicate the child's views - Description of debrief	
Debrief discussion with staff Conversation of reflective practice	

• Could staff have responded differently • Could the physical intervention have been avoided • What strategies will staff use next time • Please list any actions/learning/training needs identified	
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Name of professional carrying out restraint and completing this form	
Designation and signature(s) of all staff involved	
Signature of pupil (if appropriate)	
Head Teachers signature	
Date	