Introduction

This policy is set within a context of good practice in Promoting Positive Relationships and also takes account of the legal framework. No single statute covers the issue of ‘challenging behaviour’ and Physical Intervention however. The obligations of support agencies towards children, staff and members of the public are outlined in a range of statutes, guidance, core standards, and best practice frameworks.

This policy deals with all situations where physical intervention or physical restraint may be used. These situations include not only those pupils for whom risks have been assessed and protocols agreed for the use of physical restraint or physical intervention, but also those whose behaviour is unforeseeable and unpredictable e.g. a pupil who for no anticipated reason displays behaviour which could endanger the pupil him/herself, a member of staff or other pupils.

This policy will assist staff to be aware of the type of situation where they may or may not require to intervene physically, and those situations where it is acceptable or unacceptable to physically restrain a pupil. The Highland Council accepts that there are situations where as an act of care, physical intervention or physical restraint may be necessary. All educational establishments should formulate their own policies and procedures on promoting positive relationships and where appropriate, on dealing with physical intervention in line with this guidance, and the Promoting Positive Relations Policy & Guidance and these should be incorporated into the Promoting Positive Relationships Policy for the establishment. With this, it must be clear to staff, parents and pupils what is and what is not acceptable in terms of physical intervention or physical restraint.

Rationale

Mutual respect and positive relationships from both staff and pupils are essential pre- requisites for an effective learning environment. Behaviour which challenges good order is a barrier to learning and teaching.

Every child has a right to the best education which can be provided in a partnership between school, parents/carers, the Local Authority and the community.

Staff and pupils have a right to teach and learn in an environment which is not subject to disruption or aggression.

Pupils will be unable to attain the highest possible levels of achievement unless they learn in a calm and safe environment. Praise, recognition of effort and celebration of achievements are also vital to maintaining motivation and a desire to learn. However, there can sometimes be occasions in any school when pupils’ behaviours challenge the ability of staff to maintain good order. A pupil’s behaviour may disturb other pupils, may risk damaging property, or may place that pupil or others at risk of harm. All staff need to know the appropriate steps to take to de-escalate situations, to minimise their severity, and to avoid physical intervention or restraint becoming necessary.
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SECTION 1 - BACKGROUND

1.1 General
Staff must strive to prevent confrontation or awkward situations developing in order to maintain good working arrangements for all pupils within the class situation. In most situations a pupil’s behaviour can be predicted. Staff who know a pupil well will be able to foresee the type of situation which may cause that pupil severe stress or frustration and which may result in an outburst of unacceptable behaviour. All staff should be aware of pupils whose behaviour is volatile and also those with additional support needs which may lead to them exhibiting challenging behaviour. Behaviour management protocols (ie agreements between parents/carers, the pupil and school staff about how to prevent, minimise and manage specific, potentially problematic situations) must be agreed and established for all situations in which a pupil’s behaviour may be seriously problematic. These protocols should link clearly to targets that may be included in the pupil’s plan. In all cases parents/carers and the pupil must be partners in these processes.

1.2 Terminology
Physical intervention refers to the actions by which one or more people restrict the actions of another. Physical restraint is the positive application of force with the intention of holding a pupil.

Both are acts of care and control aimed at ensuring safety of the pupil and of others and should not be used to coerce or force.

1.3 Health and Safety
The Highland Council has legal obligations to ensure the health and safety of its staff and of service users. These obligations include:

- Ensuring safe workplace practices;
- Carrying out risk assessments and taking appropriate action to eliminate or control risks;
- Providing appropriate information, instruction, training and supervision for staff.

Each head teacher is responsible for all health and safety matters as they relate to his/her establishment.

All employees are expected to co-operate in the implementation of the Council’s health and safety policy by:

- Acting in the course of their employment with due care for their own safety and that of others, who may be affected by their acts or omissions at work.
- Co-operating, so far as is necessary, to enable the Council to perform any duty or to comply with any requirements, as a result of any health and safety legislation which may be in force.
- Using correctly all work items provided by the Council in accordance with the training and the instructions they receive to enable them to use the items safely.
- Participating in such training as the Council may determine to be appropriate in their setting and role.
SECTION 2 - LEGISLATION

2.1 The Standards in Scotland's Schools etc. Act 2000
Section 16 of the Standards in Scotland’s Schools etc. Act 2000 states that action taken to avert “an immediate danger of personal injury to, or an immediate danger to the property of, any person (including the pupil concerned)” would not be taken as corporal punishment.

Physical intervention or physical restraint can only be justified if all other intervention strategies and non-physical methods have proved ineffective and there is an immediate danger of physical harm to individuals. Physical intervention should only be used where the risks of physical intervention are judged to be less than the risks that would be posed by not intervening. **In no other circumstances can physical intervention or restraint against a pupil be justified.**

It should be remembered that all staff have a duty of care and will need to use their professional judgement as to whether or not to use reasonable force to avoid a situation escalating out of hand. Members of staff may, if acting in accordance with this document of guidance, intervene to avert such immediate dangers.

Unreasonable or excessive use of force may result in criminal proceedings for assault, or in civil proceedings for damages. In addition, disciplinary proceedings may be taken against a member of staff if there is evidence that force was excessive or unreasonable.

2.2 The Human Rights Act 1998
The European Convention on Human Rights (Article 3) deals with the prohibition of inhumane or degrading treatment or punishment. Physical intervention may be open to challenge but should be used in appropriate circumstances.

The legislative framework attempts to balance the rights of all people involved in the support of individuals where behaviour may present an element of 'foreseeable' risk to themselves or others. These obligations are often cited in terms of general principles rather than specific advice. In summary, key purpose include:

- The development of safe systems of work;
- A pro-active and systematic approach to foreseeable risk;
- Minimum intervention where physical interventions are employed they must be based on the principle of least restriction - the least restriction for the shortest time.
- Action for the benefit of the vulnerable individuals.
- Actions must take into account the age and developmental stage of the individuals;
- Consultation with relevant others including parents and multi-agency partners.
- Continuing professional development and capacity building to enhance the skill levels of the individuals (both pupils and staff)
SECTION 3 - IMPLICATIONS FOR SCHOOL MANAGERS

3.1 Responsibility for Senior Managers

All education establishments must adopt this policy.

Highland Council staff working in or at an educational establishment have a duty of care in relation to the emotional and physical wellbeing of pupils and colleagues. Failure to act when there is evidence that a greater and significant harm may occur could result in allegations of negligence and consequent civil litigation.

When the action taken is in line with this policy then Highland Council, as part of its duty of care to staff, will support its employees.

The senior management team of each school must ensure that:

a) An ethos is created where positive relationships are encouraged, supported and valued.
b) Behaviour protocols are developed and agreed for pupils where challenging behaviour is foreseeable or predictable. (See Paragraph 1.3)
c) Risk Assessments are carried out where necessary for the purpose of establishing appropriate protocols and to help in the planning process for pupils.
d) Staff have access to continued professional development opportunities to enhance their own skills in this area and to increase their own levels of emotional literacy to support the development of positive relationships.
e) Staff, where appropriate, are offered training in approved methods of physical intervention.
f) Any use of physical intervention and restraint is monitored, with a debrief offered to staff and pupils involved and a system is in place to enable patterns to be identified and addressed appropriately.

3.2 Principles Relating to Physical Intervention

It is essential that every member of staff is aware of these principles and applies them to their practice:

a) Physical intervention, up to and including physical restraint, should be used only as a last resort when all other strategies have been considered.
b) Such physical intervention should serve to de-escalate or prevent a violent or potentially violent situation.
c) Physical intervention should not be used as a method of enforcing discipline or compliance when there is no serious risk to individuals.

If all steps have been taken to ensure that a pupil does not exhibit violent behaviour towards another person and the situation continues then the pupil should be warned that if they do not desist physical restraint may be used.

When it is apparent that a pupil is not responding to the behaviour management strategies being used by an individual member of staff and a violent incident seems imminent, then wherever possible another member of staff must be summoned. This will not be seen as failure. The presence of a second adult could prove helpful in ensuring safety, objectivity and calm control, as well as providing a witness to what takes place.
When it becomes necessary to restrain a pupil, staff should maintain a calm and reassuring manner, without analysing the incident at this point.

Restraint must at all times be “reasonable” and judgement of what constitutes “reasonable” rests with the member of staff at that point in time. “Reasonable” is the minimum restraint a responsible adult would exercise to prevent physical injury, always bearing in mind danger to those concerned.

Care must be taken to avoid pain or injury to the pupil. **Restraint must never:**
- a) Interfere with breathing, blood supply or genital areas;
- b) Involve holding the head, throat, wrists, joints or fingers.

Restraint should be relaxed and released as soon as possible to allow the pupil to regain composure. The pupil should be told what will happen next to avoid unnecessary anxiety. If the member of staff is going to release the grip and stay quietly with the pupil, this should be explained.

Restraint should always be an act of care, never of punishment.

A pupil must never be asked to restrain another pupil.

When considering whether a staff member may undertake training in restraint, managers must take into account the overall level of professional experience of the staff member, their need for this training, and the appropriateness of allowing that individual to undertake this type of physical task.

### SECTION 4 - PROCEDURAL POINTS FOLLOWING PHYSICAL INTERVENTION

Any incident where physical intervention has been used must be reported to the Head of the establishment immediately or as soon as is feasible and the circumstances and justification recorded. See Appendix 3.

Parents/carers should be contacted by the Head of Establishment at the earliest opportunity, and on the same day in all cases.

Both the pupil and the parents must be made aware of the reasons why restraint was necessary. The views of the pupil and parents should be recorded at the time of discussion.

The Head of Establishment should discuss the incident and reasons with the member of staff involved and support should be provided as appropriate.

After the incident, time must be taken to ensure that the member of staff involved has the opportunity to discuss the incident and their feelings around it. Personnel directly involved may require some protected time to reflect. After a serious incident it is essential that staff to have an opportunity to discuss with someone (possibly a colleague or trade union representative) who is external to the establishment and/or not in a line management relationship to them.
Post incident reviews provide time to reconsider the strategies in place and to re-assess risks in the light of what has happened. Staff who are regularly involved in the support of children whose distress presents as behavior that challenges may need the additional support of structured supervision (See Section 4.)

This policy will be monitored by the Care and Learning Service to ensure that physical restraint does not become routine in any establishment.

**SECTION 5 - STAFF TRAINING**

Effective education can only happen in an environment within which there is a partnership between the teacher and the pupils. Teachers play a major role in developing this partnership by utilising their skills to manage their pupils effectively. These skills include those of effective organisation and teaching, and those of preventing, minimising and managing potentially problematic situations. The Care and Learning Service offers in-service to support staff in developing these skills. Key elements of the continuing professional development programme are training in the development of a positive ethos, promoting positive relationships, emotional literacy, solution focused approaches, de-escalation. It is essential that head teachers continue to support their staff to attend these events.

Where there are concerns about the possibility of volatile behaviour, managers must carry out risk assessments to identify potentially violent situations and appropriate strategies to prevent violent incidents occurring, thus minimising the need for staff to employ physical restraint techniques. This may include offering training to staff in procedures to minimise the dangers of harm to pupils, themselves and others. In specialist settings where such training makes a significant contribution to ensuring the safety of staff and pupils, job specifications may include the need to undertake this training, and staff who are unwilling to undertake training may need to be considered for redeployment.

The only training in physical restraint allowed by the Care and Learning Service is that provided by CALM Training Services, and staff who use these methods must have received the required training. Information on the training in Physical Intervention is continued with Appendix 1 and Appendix 2 which outlines the training requirements for individuals.

Staff trained in the use of recommended techniques must maintain their skills and have time protected to allow them to undertake the appropriate level of practice and re-verification. Both individual members of staff and The Highland Council is vulnerable to legal action if staff use the CALM methodology without valid and up-to-date re-verification.
Appendix 1  DE-ESCALATING CONFRONTATION

It should always be a priority for staff to attempt to de-escalate confrontation where possible. Preventative approaches should ensure that this is not a frequent occurrence. However, it is helpful for staff to be aware of specific strategies that can help in de-escalation confrontation.

A 90 minute training session has been designed for participants about to undertake CALM training. This focuses on practical advice for teaching and support staff.

The session looks at de-escalating confrontation from an emotionally literate standpoint. It looks at the confrontation continuum, understanding the effect of poor levels of emotional literacy on behaviour, looking at strategies using solution focused emotional coaching.

Although originally designed as a Pre-CALM course, de-escalating confrontation has been made available on request as a training session for all schools. Requests for this course should be discussed the ASN Manager for your area.

Further information about CALM is given in Appendix 2.
Appendix 2  CALM (CRISIS, AGGRESSION, LIMITATION AND MANAGEMENT)

CALM (Crisis, Aggression, Limitation & Management), is the chosen strategy of Highland Council for Physical Intervention techniques. Only those who hold a current accredited training qualification in CALM may carry out these techniques.

School staff will only be considered for CALM training following a full risk assessment by school managers and following the application of relevant positive interventions.

1 Before undertaking training in physical intervention staff must undertake training on:
   - Promoting positive relationships
   - de-escalating conflict situations
   - the legislation in relation to physical intervention
   - health and safety and risk assessment aspects

and must also consider:
   - the management of behaviour of pupils with Additional Support Needs
   - the development of procedures in the school to manage and prevent foreseeable challenging behaviour.
   - the development of procedures within the school to support the use of physical intervention as per this policy document.
   - securing the full knowledge, involvement and agreement of parents/carers.

2 The justification for utilizing the CALM philosophy and implementing CALM techniques in the Highland Council’s Integrated Children’s Services is as follows:
   - In Highland, the Care and Learning Service have trained instructors in CALM techniques. This leads to a consistency of practice for all our young people.
   - The Highland Council recognises CALM as part of an approach to promoting an effective holistic package of promoting positive relationships.
   - CALM has a comprehensive Quality Assurance procedure. The Council will comply with procedures to ensure the Health and Safety of pupils and staff.
   - The Highland Council’s instructors will deliver training according to the “BILD Code of Practice for Trainers in the Use of Physical Interventions; Learning Disabilities; Autism and Pupils with Special Educational Needs.” This code aims to safeguards participants.

3 CALM techniques are compliant with Health and Safety legislation in promoting the well-being of staff and pupils in the following ways:
   - CALM techniques are designed to comply with legal requirements, national policy guidance and current research. CALM physical techniques comply with the Highland Council’s Moving and Handling Policy.
   - The safety of both pupils and staff is promoted by only engaging in physical intervention to prevent the pupil harming themselves or others, with an emphasis on employing preventative and positive strategies.
   - CALM physical intervention aims to maintain the dignity of all persons involved both in school and the wider community.
   - The hierarchy within CALM techniques allows the minimum reasonable force to be applied at each level of escalation or de-escalation depending on pupils’ behaviour. Minimal hand movements between levels ensure that staff can easily move to a more or a less restrictive hold.
• The techniques are reassuring for staff. Increased skills improve the confidence of staff and their ability to manage difficult situations.
• Recording systems alert staff to foreseeable risks and determine the inclusion of specified CALM techniques in Individualised Plans.
• The use of CALM techniques must be recorded.
• The maximum restraint to be used in most educational settings is a technique in a seated position. Techniques at a higher level will only be offered in training after a rigorous risk assessment procedure.

4 Physical intervention training cannot replace good practice and effective management. No system can offer a stand-alone answer to aggressive/violent behaviour. CALM is only the last piece of the practice jigsaw, and should not be seen as the only, or principle response to promoting positive relationships and managing challenging behaviour.

INTRODUCTION TO THE HIGHLAND COUNCIL PROGRAMME OF CALM TRAINING

Prior to CALM training, the applicant should:
• Be conversant with emotional literacy and de-escalation strategies.
• Have a behaviour plan in place to address regular and/or foreseeable behavioural difficulties.
• Be aware that physical intervention should only be adopted after all other options have been explored.

What can be expected from CALM and Highland Council:
• One day theory training.
• Two days physical intervention training.
• Verification of holds and registration on both CALM and Council databases.
• Certificate of competency.
• Annual re-accreditation and re-registration onto the databases.
• Access to a CALM instructor in an advisory capacity via email, phone or visit.

What is expected from CALM practitioners:
• Regular recorded signed practice sessions (signed by your CALM colleagues).
• Record any incidents above level 3 following official procedures for the region.
• Note any concerns with CALM practice and pass this on to your line manager.
• Attend an annual re-accreditation where your practice will be updated in line with CALM and you will be re-registered onto the CALM database.

Requirements of CALM trained establishments:
• A minimum of 3 staff should be trained.
• A member of the SMT must attend the Theory component of CALM.
• Staff must be released for regular recorded monthly practice sessions.
• A written behaviour protocol should be in place for each pupil that may require physical intervention. All staff involved should have a copy of this.
• All incidents above Level 2 must be recorded following official procedure.
• Parents/Carers must be informed if CALM is used on their child.
• The possible use of CALM should be highlighted in your school handbook.
• De-briefing must be provided to staff following an incident.

Any decision regarding the implementation of CALM training should be taken in consultation with the ASN Manager for the area
Appendix 3  Reporting incidents of Violence and Aggression

Where appropriate an ‘Violent Incident Form (Schools)’ should be completed in accordance with existing procedures.

https://www.highland.gov.uk/staffsite/downloads/file/36/violence_and_aggression_form_schools

The head of establishment should carefully monitor these forms to ascertain if any patterns are developing or if further action has to be taken, and by whom.

If the incident of violence and aggression has involved a physical intervention there is the facility to record this on the form.

On the rare occasions where a physical intervention has taken place, but it was not preceded by an incident of violence and aggression. Please complete a Violence and Aggression Form (Schools) report but indicate clearly on the submitting email that “this incident is a record on a physical intervention only”.

Records of incidents should be retained in case of inquiry or complaint in line with Highland Council Retention Schedules. Details of these can be found on the Information Management Toolkit at the location on the Intranet below.

https://www.highland.gov.uk/staffsite/info/58/information_and_records_management/12/information_management_toolkit/