

The Use of Physical Intervention in Educational Establishments

October 2024 Final

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 'behavioural distress', commonly referred to as 'challenging behaviour', and Physical Intervention. 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 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 Relationships 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. Behavioural distress can impact on the learning of all youngsters. 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.

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 a desirable learning environment. A pupil's behaviour may disturb other pupils, risk damaging property or 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. When intervention is required, staff should know how to undertake this in a safe manner.

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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.

Often a pupil's behaviour can be predicted. Staff who know a pupil well will sometimes foresee the cause of pupil stress or frustration, which may result in an outburst of distressed behaviour. **All** staff should be aware of pupils whose behaviour may be volatile and which may lead to them exhibiting behavioural distress. Protocols (i.e. agreements between everyone involved about how to reduce the frequency and duration of incidents) should be agreed and established. 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 low level physical contact that can affect the movement of a pupil but would often be classed as normal parental type touch

Physical restraint refers to the actions by which one or more people restrict the actions of another through the positive application of force.

Seclusion is the act of isolating a child or young person from others and preventing them from leaving. Seclusion is an emergency measure, and as such it cannot be listed as a planned intervention for any pupil.

Least Restrictive Intervention Before responding to distressed behavior staff must consider if there is an effective way to intervene which has a lesser impact on the young person's rights, freedom, and movement.

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.

Each head teacher is responsible for all health and safety matters as they relate to their 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.
- Correctly using 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. Damage to property should only be a justification if it presents an immediate risk of harm to the child or another individual.

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. Restraint should only be used where the risks are judged to be less than those posed by not intervening.

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.

Restraint should be proportionate in duration and degree. Where there is a foreseeable need for restraint training will be provided so that staff understand that inappropriate use could lead to a criminal investigation. 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)

2.3 United Nations Convention on the Rights of the Child

The UNCRC applies to everyone under the age of 18. Its aim is to ensure that children grow up with tolerance, freedom, equality, and dignity.

Article 12 | I have the right to be listened to and taken seriously.

Article 28 | The right to an education

Article 37 | The right not to be punished in a cruel or hurtful way.

Physical restraint should not be used as a punishment, and only implemented when there is no alternative in order to prevent a greater and significant harm.

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) Protocols are developed and agreed for pupils where behavioural distress 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.
- e) Staff, where appropriate, are offered training in approved methods of physical intervention.
- f) Any use of physical 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 Restraint

The Restraint Reduction Network (2021) states that:

Restraint may be necessary to safeguard the individual and/or others from serious injury or harm, and sometimes it will be the only realistic option, for example to prevent a child from running into a busy road.

Specific considerations when delivering training in this setting:

- Promote a positive and proactive approach to behaviour, including de-escalation techniques appropriate to the child or young person, to minimise the likelihood of or avoid the need to use restraint (see examples in all of the case studies in Annex B, HM Government, 2019)
- Use of restraint is based on assessment of risk and to safeguard the individual or others.
- Restraint should only be used where it is necessary to prevent risk of serious harm, including injury to the child or young person, other children or young people, to staff, the public or others, if no intervention or a less restrictive intervention were undertaken.
- An intervention is in the best interests of the child or young person balanced against respecting the safety and dignity of all concerned, including other children, young people or adults present.
- Restraint is not used to punish or with the intention of inflicting pain, suffering or humiliation.
- Techniques used to restrain or restrict liberty of movement are reasonable and proportionate to the circumstances, risk and seriousness of harm; and are applied with the minimum force necessary, for no longer than necessary, by appropriately trained staff.
- Use of restraint, reasons for it and consequences of its use, are documented, monitored, open and transparent.
- When planning support and reviewing any type of plan which references restraint (such as a behaviour support plan), children and young people, and parents, and where appropriate (for example, where the child or parent/carer wants it), advocates should be involved.

When it becomes necessary to restrain a pupil, staff should try to maintain a calm and reassuring manner.

All actions should be the least restrictive option available and for the shortest period possible.

Restraint should never:

- a) Interfere with breathing, blood supply or genital areas.
- b) Involve holding the head, throat.

and should

- c) avoid the wrists, joints, and fingers.

When considering whether a staff member may undertake training in restraint, managers must take into account their need for this training, and the appropriateness of allowing that individual to undertake this type of physical task after a risk assessment has taken place.

Section 4

Procedural Points following Physical Restraint

Any incident where physical restraint 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.

Parents/carers should be contacted by the Head of Establishment at the earliest opportunity.

The parents must be made aware of the reasons why restraint was necessary. The views of parents, and the pupils where possible, 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 complete a debrief. 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.

What is an Incident?

The Restraint Reduction Network defines an incident as “a highly immotive interaction or event that might cause ongoing stress or distress sometimes caused by a need not being met.”

Post Incident Support

The involvement of people who use services carers and advocates is essential when reviewing plans for restrictive interventions. The aim of the post incident support is to secure the immediate wellbeing of the people involved.

Post Incident review

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 behaviour that challenges may need additional support.

Post Incident Learning Review

The views of all involved should be sought, with appropriate support to participate provided. Any agreed actions or changes in approach should be recorded in the appropriate support plan for the child or young person. It is important that children and young people and staff have the time and opportunity to engage in this kind of reflective practice.

Where distressed behaviour is frequently occurring, staff leading the post-incident learning review may need to engage with external professionals to support a functional behavioural analysis as part of this process.

Pupil voice

The UNCRC, Article 12, states that the young person's views should be given due consideration. As a result, schools should use a range of strategies to suit the age and ability of the young person. This could include.

The RRN "Helping you feel safe" <https://restraintreductionnetwork.org/wp-content/uploads/2022/06/Feeling-Safe-Survey-revised.pdf> questionnaire, talking mats, and pods.

Section 5

Staff Training

Effective education can only happen in an environment within which there is a partnership between the staff and the pupils. Staff 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.

Where there are concerns about the possibility of behavioural distress, managers should carry out risk assessments to identify potential situations. Appropriate strategies should then be developed to reduce the occurrence of incidents.

This may include offering training to staff in procedures to minimise the dangers of harm to pupils, themselves and others. In 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 in Highland schools is that provided by CALM Training Services, and staff who use these methods must have received the required training. Information on training in Physical Restraint is continued with Appendix 1 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.

Appendix 1: 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 CALM Theory 1 day course which incorporates:
 - the legislation in relation to physical intervention
 - health and safety and risk assessment aspects
 - an introduction to functional assessment
2. The justification for utilising the CALM philosophy and implementing CALM techniques in the Highland Council is as follows:
 - In Highland Education has trained instructors in CALM techniques. This leads to a consistency of practice for all our young people.
 - CALM has a comprehensive Quality Assurance procedure. The Council will comply with procedures to ensure the Health and Safety of pupils and staff.
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 restraint to prevent the pupil harming themselves or others, with an emphasis on employing preventative and positive strategies.
 - CALM physical restraint 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.
 - The use of CALM techniques at level 3 or above must be recorded, and some supplementary techniques.

- The maximum restraint to be used in educational settings is a technique in a seated position.
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 predominant response to managing behavioural distress.

Introduction to The Highland Council Programme of CALM Training

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 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 member of the SMT must attend the Theory component of CALM.
- Staff must be released for regular recorded monthly practice sessions.
- A Protocol should be in place for each pupil that may require physical restraint. All staff involved should have access to a copy of this.
- All incidents above Level 2 must be recorded following official procedure.
- Parents/Carers must be informed if a recordable CALM hold 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.

Debriefing:

- Any incident involving a restraint.
- Any incident involving physical violence.
- Any incident that has impacted on the emotional wellbeing of anyone involved.
- Any incident where risk assessment or other paperwork may need to be updated.
- All parties involved including the pupil/young person should be part of the debrief

Appendix 2: Reporting Incidents of Behavioural Distress

Where appropriate, a Pupil-Staff Incident Form should be completed in accordance with existing procedures. This can be found at:

<https://highlandcouncil1.sharepoint.com/sites/SchoolHub/SitePages/Pupil-Staff-Incident.aspx>

- This revised process takes an integrated approach, using Microsoft Forms, SharePoint and Power Automate
- The Line Manager of anyone reporting a pupil-staff incident receives an email notification about the incident as soon as it is reported through the online form
- The process incorporates an incident follow-up/debrief with SMT
- Designated central officers have an overview of all incidents submitted through the online Microsoft form, enabling them to track and monitor incidents in 'real time', identify patterns, and provide support effectively to schools where appropriate.

The head of establishment, or designated person, 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 has involved a physical restraint, there is the facility to record this on the form.

As part of Highland Councils Restraint Reduction Program all reports of physical intervention above normal parental type touch will be monitored and if appropriate further support will be provided

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 Portal at the location on SharePoint below.

<https://highlandcouncil1.sharepoint.com/sites/importal/SitePages/Home.aspx>