

CORNWALL EDUCATION AUTHORITY

GUIDELINES FOR THE USE OF

PHYSICAL RESTRAINT (POSITIVE HANDLING)

IN SCHOOLS



Revised March 2004

CONTENTS

Foreword

Section 1: **INTRODUCTION**

Context
Working Principles

Section 2: **PHYSICAL CONTACT WITH CHILDREN**

Section 3: **GUIDELINES FOR GOOD PRACTICE**

Context

SAFE HANDLING

- Principles
- Risk Evaluation
- Methods
- Recording Events and Actions
- Witness Statements
- Management Considerations

Section 4: **ROLES AND RESPONSIBILITIES**

Section 5: **CHILD PROTECTION**

- Introduction
- Context
- Guidance

Section 6: **DEALING WITH COMPLAINTS**

Section 7: **TRAINING**

Appendix 1: **SUGGESTED FORMAT FOR AN INCIDENT
REPORT FORM**

Appendix 2: **EXAMPLES OF CARING, SUPPORTIVE AND
THERAPEUTIC CONTACT**

Foreword

The purpose of this document is to provide support and guidance for headteachers and staff in the management of challenging situations, both in school and during educational activities off site. The Health and Safety at Work Act, recent Education Acts and Circular 10/98 'The use of force to control or restrain pupils', LEA/0242/2002 "Guidance on the use of Restrictive Physical Interventions for Staff Working with Children and Adults who Display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders", DfES/DH July 2002 "How to provide safe services for people with Learning disabilities and Autistic Spectrum Disorder", and LEA/0264/2003 "Guidance on the Use of Restrictive Physical Intervention for Pupils with Severe Behavioural difficulties" have all been taken into account in the production of this document.

It is helpful for schools to produce their own policy which relates to their own circumstances. Though such a document should be consistent with this policy, school policies need not be lengthy and reference can be, and should be, made to this county policy or Circular 10/98 as appropriate. A model school policy is included as an appendix.

Whilst this policy cannot cover every situation that may occur, it is hoped that the guidance offered will create a framework within which all employees feel secure in the actions they may have to take. You will note that the LEA will fully support staff who can demonstrate that they have understood and complied with the relevant management procedures contained herein.

The original document was developed by Mick Ferrie, County Inspector for SEN, Sandy Chapman, Head of Behaviour Support Service and Carol McCarthy, Headteacher at Doubletrees School. This revision is issued following consultation with teaching and non teaching professional associations, CAPH, CASH and the Joint Consultancy Team for Child Protection.

Geoff Aver
Director of Education, Arts and Libraries

Section 1: INTRODUCTION

Context

1.1 The policy and advice set out in this document provide a framework of principle within which staff judgements should be made and specific incidents addressed.

These guidelines are designed to : -

- provide, together with the DfES/DH joint guidance, a framework within which schools can develop their own policies;
- promote coherent, consistent and co-ordinated approach across different schools and, where appropriate, with other agencies;
- form a basis for monitoring the implementation of policies in schools;
- provide advice to schools on how to monitor and evaluate their own use of restrictive physical interventions (positive handling) so that practice is improved both locally and across the Authority.

The document has been written with the aim of being consistent with other Cornwall LEA documents and complies with :

- DfEE Circular 10/98 "Section 550A of the Education Act 1996 : the use of force to control or restrain pupils";
- DfES letter dated 24 April 2001 to Chief Education Officers in England "Positive Handling strategies for pupils with severe behavioural difficulties";
- Joint DfES/DH guidance issued in July 2002;
- Cornwall Behaviour Support Plan.

The intention is to ensure that all schools and other educational settings should provide a safe working environment for young people, staff and visitors.

1.2 Teachers need to be aware that as part of their employment obligations, they owe a duty of care to their pupils in order to maintain an acceptable level of safety. The conduct of young people can on occasions require physical intervention. Written guidelines cannot anticipate every situation: the sound judgement of staff at all times therefore remains crucial. It is, however, the intention that the guidance in this document should offer both young people and staff a level of protection.

Circular 10/98 clarifies the situation regarding headteachers' capacity to empower teaching and non-teaching staff to apply physical restraint in appropriate circumstances. Headteachers and governors should make their position on this issue explicit in their school policies and ensure parents have access to these policies.

1.3 Key Information

A member of staff who has used appropriate physical restraint will have a good defence to any legal action against them, if

- **the purpose of the physical intervention was to avert an immediate danger of injury to any person, or an immediate danger to the property of any person (“person” includes the pupil); or to prevent the committing of a criminal offence**

AND

- **no more force was used than was reasonably necessary in the circumstances.**

- 1.4 Provided that they follow these guidelines, staff should therefore not hesitate to act in an emergency. **Indeed, staff have a legal obligation to safeguard the welfare of children in their care.** Clause PT.XI – Conditions of employment of teachers .39.7 Discipline, Health & Safety “Maintaining good order and discipline among pupils and safeguarding their health and safety both when they are authorised to be on the school premises and when they are engaged in authorised school activities elsewhere”. Staff should satisfy themselves that the action they are proposing to take would be considered justifiable by the wider audience of their professional colleagues. This is not to say that the use of physical restraint will never be questioned by others – pupils, parents and possibly the Police.

You will however be deemed to have acted reasonably and will therefore receive management and LEA support if you attempt to follow these guidelines.

1.5 Working Principles

- Where physical intervention is a likelihood a plan should be devised. (An example of a planning proforma is attached as Appendix 2) (Behaviour Management Plan)
- Physical intervention should be a last resort and only undertaken when all other means of gaining order have failed.
- Staff should not place themselves at risk of being the subject of a false allegation. To minimise risk avoid being alone with any pupil if possible.
- Schools which adopt these guidelines should set them in the context of other school policies – there being whole school positive Behaviour Management, Child Protection and Health and Safety – as well as Disciplinary Procedures.
- * Schools should carry out an individual risk assessment on pupils who are more likely to require physical restraint. Risk assessment should be carried out in accordance with County and LEA policy. The European Education Consultancy Risk Assessment software is recommended.

- Physical intervention must never be part of the rewards and sanctions system of a school.
- All staff should seek to promote an atmosphere of calm consistency and order so that young people and staff feel secure.
- All staff are expected to have an awareness of the needs of different cultures and to respond appropriately.
- When the safe environment of the school is challenged by the violent or dangerous behaviour of a young person, staff need to achieve a prompt and safe resolution of the situation as a minimum goal.
- The professional practice of staff in such situations needs to be clearly understood by all staff, young people and their parents/carers. Such practice should be consistent and considered and all actions taken must be fully recorded in a standard format which is readily accessible to staff and managers.
- Every school should have a 'named member of staff' who has received appropriate training and can offer further advice and arrange appropriate training for colleagues. Large schools should seek formal training for more than one member of staff. (See Section 7)

* 'Risk Assessment' Health & Safety guidance and software is available in all secondary schools and is being made available to all primary schools in the near future. 'European Education Consultants' - Whole School Management of Health & Safety : assessment checklists should be used. Assistance with this can be sought from Yvonne Jennings, Safety Officer (primary/special) and Phil Rundle (secondary) at County Hall on 01872 322794.

The named member of staff in each school should acquaint all staff on the contents of this policy.

If order has broken down with an individual or a group and all reasonable efforts to diffuse the situation have failed, schools are advised to contact the police for assistance.

Section 2: PHYSICAL CONTACT WITH CHILDREN

- 2.1 It is unnecessary and unrealistic to suggest that teachers and other school staff should only come into physical contact with pupils in emergencies. Younger pupils particularly may need reassurance and comfort in certain situations. School staff must bear in mind however that even perfectly innocent actions can be misconstrued.
- 2.2 Regaining control is not the only circumstance when there may be physical contact between staff and children. It is intended that these guidelines should deter inappropriate physical contact between care-providing adults and children. Staff should respond to children in a way that gives expression to appropriate levels of care, and to provide comfort to ease a child's distress.

However, it is recognised that staff need to ensure that any physical contact is not open to misinterpretation by a child or parent.

The following guiding principles are suggested:

- the level and type of physical contact should reflect the educational and social needs of the pupil, e.g. physical contact is likely to occur in some PE and drama activities as well as for children who require a personal assistance programme; *
 - specific consideration should be given to the needs of pupils in school who may have suffered abuse and/or neglect. Physical contact should not respond or lead to expectations or anxieties of any form. This information should be borne in mind when planning programmes to be implemented. This applies to children who require a personal assistance programme; *
 - in responding to a pupil who indicates a need for physical contact/comfort, due consideration should be given to these guidelines;
 - there should be no general expectations of privacy for the physical expression of affection or comfort in any circumstances. **Staff must not be alone with a pupil in such a situation.**
- 2.3 Pupils may be successfully re-engaged in their educational activities by an arm on the shoulder or by leading them back to their seat; similarly a pupil may be diverted from destructive behaviour. Again, some pupils engaged in an argument or a fight, which in itself is not likely to cause serious harm but is nonetheless disruptive and detrimental to the well-being of other pupils, may be successfully diverted by using positive behaviour management techniques. **If physical intervention is unavoidable, it is important that the degree of force used is appropriate to the situation.** It is appropriate to use physical prompts and guidance when positive verbal prompting has been unsuccessful.
- 2.4 **However, it needs to be restated that physical intervention is a last resort. Staff should be mindful of the fact that close physical proximity to pupils who are in a highly agitated state can make matters worse. (see 3.8, 3.9)**

* Personal Assistance Programme - may be in place for a pupil with a physical disability or medical need.

Section 3: GUIDELINES FOR GOOD PRACTICE

A framework for physical restraint of pupils now follows.

Context

- 3.1** As Paragraph 9 of Circular 10/98 states, teachers and other persons who are authorised by the Headteacher to have control or charge of pupils, to use such force as is reasonable in all the circumstances to prevent a pupil from doing, or continuing to do, any of the following:
- 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);
 - injuring themselves or others;
 - causing damage to property (including the pupil's own property);
 - engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

If you do not feel able to intervene you should

Seek assistance immediately.

(Each school should devise their own system by which assistance can be called)

3.2 Key Information

In using physical restraint, the level and duration of the restraint will always be the minimum necessary to restore safety.

Knowledge of the pupil is a key factor in the judgements that will be made.

SAFE HANDLING Principles

- 3.3** The principles of safe handling are based on twin assumptions:
- a situation is about to exist in which people or property will be in serious danger of assault, injury or damage;
 - all efforts to avoid the need for physical intervention have been taken. The physical restraint of a young person must be considered as a **last resort** attempt to cope with the particular situation.

3.4 It is not the purpose of these guidelines to explain particular handling techniques. However, handling techniques can be addressed through training. Those methods adopted by a school must:

- form part of a clearly agreed and understood policy;
- accord with the criteria set out in **Methods** (below);

Reasonable force is not defined in Circular 10/98 however relevant considerations are:-

- **the use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force;**
- **the degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.**

SAFE HANDLING

Risk Evaluation

3.5 In order that the restraint of a child or young person should calm the situation – and not lead to greater injury or an escalation of violence – if the circumstances allow, the following factors need to be taken into account in evaluating the risks involved and in determining the techniques to be employed in any particular situation:

- the age, and relative physiques and known medical conditions of both the adult restrainer and the child/young person;
- the genders of staff and child/young person;
- the presence of a second (or other adult), available to assist, supervise and become involved in intervention;
- the scope to secure the presence of a second (or further adults);
- spectacles, hearing aids, jewellery and clothing being worn by the child/young person and the adult restrainer;
- the restrainer's capacity to act calmly and systematically;
- the location of the incident and the potential for the restraint to be carried out safely;
- knowledge of the child/young person's previous experience of restraint and their predicted reactions;

- the presence of any weapons;
- the known or perceived use of drugs.

3.6 Staff working in situations where there is a reasonable likelihood that they may well have to employ techniques of physical restraint should consider whether their clothing, jewellery and hairstyle add to the risk of injury to themselves or others.

3.7 Key Information

Any physical intervention involves a degree of risk: the assessment of the level of risk is a calculation that must be made before deciding to intervene. Think clearly and carefully before acting.

SAFE HANDLING

Methods

3.8 Any physical intervention employed must involve the minimum force necessary for the minimum amount of time and must meet the following criteria:

- handling must not involve deliberately or inadvertently striking the child or young person;
- handling must not involve “punitive” acts: i.e. deliberately inflicting pain on the child or young person (so, for example, cannot involve joint locks or finger holds)
- handling must not restrict the child or young person’s breathing (so, for example, must not involve throat or neck holds or pressing the child or young person’s face into soft furnishings);
- an adult must avoid touching the genital area, the buttocks or the breasts of the child or young person;
- handling must avoid the adult putting weight upon the child or young person’s spine or abdominal area.

3.9 During any incident of restraint an adult must seek as far as possible to:

- seek to lower the child or young person’s level of anger or distress during the restraint by continually offering verbal re-assurance and avoiding generating fear of injury in the child or young person;
- cause the minimum level of restriction of movement of limbs consistent with the danger of injury (e.g. will not restrict the movement of the child or young person’s legs when they are on the ground unless flailing legs are likely to injure or be injured);
- take account of the danger of accidental injury during the restraint by using a method appropriate for the environment in which it is taking place (for example, on

a paved surface the adult should seek to avoid placing the child or young person on the ground);

- ensure that in situations where a group of staff is involved, work together as a team, with one member taking the lead; avoid personal risk;
- not employ another child/young person in assisting with the restraint;
- try to avoid moving the child/young person during the restraint. Experience has shown that this can prove problematic and is only justifiable in situations when remaining in the original location would be more physically dangerous.

SAFE HANDLING

Recording Events and Actions

- 3.10 Governing Bodies should establish arrangements to ensure that all incidents of restraint are logged by the member(s) of staff involved as soon as possible after the event. This should take the form of a special “log book” or file with formatted pages. The information should also be included in the pupil’s file.**

Good practice already in place in many schools indicates having a standard format for recording any incident – not just the physical restraint of a young person.

- 3.11** The entry in such a book must be made by the member(s) of staff concerned who should sign and date it. The report may include:
- **Name of young person**
 - **Day – Date – time**
 - **Name of person completing the form (printed and signed)**
 - **Names of all involved**
 - **Where and when the staff involved were trained and authorised**
 - **Location**
 - **Activity**
 - **What led to the incident?**
 - **Steps taken to avoid the incident**
 - **What exactly happened – a brief factual account**
 - **Was the behaviour – deliberate/reckless/racial/health & safety risk?**
 - **Was the young person warned before any physical intervention?**
 - **Was any holding – mild/firm/restrictive?**
 - **Named techniques used**
 - **Were the techniques effective?**
 - **Length of contact in minutes**
 - **Details of any injuries to the young person/staff**
 - **Details the contacts made afterwards**
 - **Detail how the incident was resolved**
 - **What could be done differently next time?**
 - **Detail the de-brief with the staff involved**
 - **Who was the incident reported to?**

- **Detail how the Individual Behaviour Management Plan has been implemented or reviewed as a result of the incident?**
- **Review date**

The incident book should be readily available for inspection by officers of the authority and/or the governing body.

A suggested format suitable for use in recording incidents is set out in Appendix 1.

- 3.12** It is an expectation that some children with special educational needs, may need more frequent physical intervention. In those cases a behaviour intervention plan (often part of an IEP or an Individual Safety Plan from the EEC risk assessment software package) would have been agreed with parents or carers. Therefore, In such cases it would be impracticable to complete a separate record for every incident and schools may need to consider a different recording system, depending on circumstances.

Where injuries occur, the LEA guidelines for Health and Safety must be followed. If a pupil is injured, parents must be informed at the earliest opportunity, and accident report forms must be completed. (Use HSW5 accident report form).

All incidents wherein a child is held to the ground must be reported to the LEA. Please inform Mick Ferrie on 01872 323496 where further guidance can be provided. This information will be reviewed along with all other statistical returns and may form the basis for further LEA support.

SAFE HANDLING

Witness Statements

Immediately after the incident has been resolved, the headteacher or senior member of staff should be verbally apprised of the situation.

- 3.13** Except in the circumstances set out in 3.15 – where the incident is of a serious nature and it is likely that further action might follow – statements may need to be taken from witnesses. **This should be carried out by a senior member of staff as soon as possible after the incident.**
- 3.14** When taking a witness statement from another child contact Education Personnel before proceeding. The following points should be considered:
- avoiding the risk of collusion;
 - having a quiet place in which to record the statement;
 - the language skills of a child witness.
- 3.15** If – after the initial reporting of the incident – the headteacher or senior member of staff consider that the school's guidelines for the use of physical restraint have not been followed or it is felt that a criminal offence may have occurred, the incident itself should not be pursued further but **referred for action in accordance with child protection procedures set out in the Cornwall Inter Agency Child Protection Committee's "Yellow Book" called 'Working Together to Safeguard Children'.**

Further guidance in these circumstances should be sought immediately from the Education Personnel Department and the Deputy Secretary for Education.

SAFE HANDLING

Management Considerations

- 3.16** All incidents involving the physical restraint of a pupil must be reported to a senior member of staff and the headteacher as soon as possible and they should receive a report as soon as practicable thereafter. (see also 3.13)

All senior staff involved must record details of their involvement of every stage, together with details of all follow-up action.

At an appropriate time, the pupils and staff involved should have an opportunity to discuss the matter with a relevant member of the senior staff. In all schools, follow-up actions need to be appropriate to the age and abilities of the pupil. In principle, the Headteacher should discuss details of the event with the pupil, whose view of the incident should be reported as soon as possible after it has occurred. Parents and carers should always be informed of what has happened to the child and offered an opportunity to discuss this with the headteacher or senior member of staff. (See 4.3)

An incident involving the use of physical restraint should be an unusual occurrence in a school. Careful thought needs to be given to de-briefing for those adults and pupils who witness the event.

- 3.17** Consideration should also be given to the possible effects that restraining a young person has on a member of staff. Apart from suffering physical injury staff may need time to recover in a quiet place with support from a colleague.

Members of staff should be advised to contact their Professional Association or Trade Union before making a formal statement.

Section 4: ROLES AND RESPONSIBILITIES

**ALL STAFF
BOTH TEACHING AND SUPPORT
NEED TO KNOW THE SCHOOL POLICY ON THE USE OF
PHYSICAL RESTRAINT.**

4.1 Communication

It is very important that every school, regardless of size or educational context, establishes a clear and consistent route through which any incident involving physical restraint is recorded and communicated – and to whom.

Nursery and Primary Schools

All incidents should be reported to the headteacher (unless of course she or he is the restrainer) and in many cases it is envisaged that the headteacher (or deputy head) will have been summoned before physical restraint is needed.

Secondary Schools

All staff should know to whom they should report incidents of physical restraint and where this person is located. There should be a “reporting on” system so that the headteacher is fully informed as soon as practicable and prepared for the possible consequences of staff using physical restraint.

Special Schools

Again, clear lines of communication are essential, depending on the size of the school.

4.2 Informing Parents and Carers

It is the responsibility of the school to inform parents or carers about physical restraint of their child as soon as practical after the incident.

Individual schools must decide how this should be done and by whom and record this process as part of the policy.

Schools should provide parents with a copy of their policy on restraint.

4.3 Induction and Monitoring

On joining the school, all new staff should have an explanation of the school's policy on physical restraint included in their induction programme. This applies especially to Newly Qualified Teachers.

Consideration should also be given to how supply teachers and other temporary staff are informed of school policy on physical restraint or whom they can call upon for support. It would be advisable if training is delivered as part of the formal inservice programme.

<p>In the event of an allegation involving supply teachers Education Personnel should be informed immediately.</p>

The school's recording system should be used to monitor the use of physical restraint in order to check that all staff apply the school policy in a consistent manner.

4.4 Professional support

Staff are free to discuss their actions with a professional colleague if they so wish and should seek further advice from a Professional Association or Trade Union. Initially, the discussion/de-briefing should be with a senior member of staff.

4.5 Review

It is strongly recommended that schools review their policy on physical restraint with the whole staff, six months after its introduction – and thereafter on an annual basis.

All staff should be asked to contribute to reviews and should be fully informed of the outcome.

4.6 Supply agencies in Cornwall will be sent copies of this policy and there is an expectation that their staff will be informed.

Section 5: CHILD PROTECTION

5.1 Introduction

Procedures set out in the Area Child Protection Committee's "Yellow Book", 'Working Together in Cornwall', require headteachers (or chairs of governors) to consult with the local Social Services duty team following the receipt of an allegation that a member of school staff may have abused a child. This does not necessarily mean that a Child Protection investigation will take place.

The following guidance is intended to assist Headteachers and Governing Bodies in making decisions as to whether the reported action or behaviour should be dealt with in accordance with the Child Protection procedures.

5.2 Context

It is not intended that this guidance should deter routine physical contact between school staff and children. Physical contact may be necessary on occasions to restrain or protect a child. School staff should feel able to provide appropriate comfort to ease a child's distress, although in such situations consideration should always be given to the wisdom of being alone with the child. (see Appendix 3)

Physical contact should not be in response to, or be intended to arouse sexual expectations or feelings.

The age, gender, culture and particular needs of the child should also be considered in deciding proper physical contact.

In touching a child the member of school staff should always be aware of the possibility of invading the child's privacy and should respect the child's wishes and feelings.

5.3 Guidance

Physical Injury

The following actions set out in (a), (b) and (c) below will be considered as unacceptable professional conduct. They could also include a potential criminal offence and may need to be investigated through child protection procedures. However, it is expected that in deciding whether to consult with Social Services, the headteacher would take account of the circumstances surrounding the incident. In the first instance the Headteacher must seek advice from Education Personnel who will be able to assist in determining the appropriate course of action. If the headteacher decides not to consult with Social Services he/she will need to consider what other action may need to be taken (eg disciplinary action, informal warning) and record this accordingly.

- (a) A member of school staff slaps, punches, pinches or hits a child.
- (b) A member of school staff hits a child with an object or implement.
- (c) a member of staff deliberately pushes a child

Allegation against a Headteacher

When it is suspected that a Headteacher has failed to follow the County guidelines for the use of physical restraint, Education Personnel should be contacted. Advice will be given as to whether it will be necessary to initiate Child Protection Procedures.

Section 6: DEALING WITH COMPLAINTS

6.1 Any complaint arising from the use of physical restraint must be fully considered in light of existing routes of investigation.

i.e.

- (a) Statutory Routes which must include Child Protection. (Social Services);
- (b) Other routes including disciplinary procedures. (Education Personnel).

6.2 Once routes outlined in 6.1 above are exhausted or not applicable, the matter should be dealt with in accordance with the schools normal complaints procedure..

Child Protection procedures are set out in the “Yellow Book” and advice should be sought from the local Social Services duty team.

Section 7: TRAINING

- 7.1 The level of training in the use of physical restraint will vary from school to school, depending on the particular educational setting and patterns of pupil behaviour. It is recommended that **at least** one member of staff in every school should attend the LEA training course which will be available at a nominal charge.

All staff should be fully conversant with the school's guidelines for the use of physical restraint and should share good practice in an open manner. Staff should also be shown how to record details of any incident involving physical restraint.

- 7.2 Any in-service training on the use and techniques of physical restraint must only be given as part of a programme which puts its use within a full context of care and control.

This training should include:

- creating a positive climate;
- involving young people themselves in pre-emptive work, discussing the issues of acceptable behaviour;
- dealing with hostility to avoid spiralling tension;
- defusing aggression;
- managing aggression in a non-violent manner;
- all aspects of administration including completion of forms and gathering of evidence.

- 7.3 Cornwall LEA will continue to provide training in behaviour management. In addition, the County now has a team of trainers who are licensed to provide training in the 'TEAM TEACH' Approach to positive handling strategies. Training will be provided at a County level and by request at a whole school level. Headteachers may wish to access other forms of Positive Handling training; it is advised to ensure that any form of physical restraint (positive handling) training has been fully accredited by the British Institute of Learning disabilities (BILD).

For further information regarding training please contact Sandy Chapman, Head of Behaviour Support Services at Old County Hall, Truro, telephone 01872 323430 and Mick Ferrie, County Inspector for SEN, New County Hall, Truro, telephone number 01872 322494.

- 7.4 Schools must keep an up to date record of all training undertaken.

- 7.5

Public Liability Insurance

The public liability/employers liability policy indemnifies all employees against claims from third parties or fellow employees. As long as staff are working within the scope of their duties and in the course of their employment, they will not be held personally responsible for any action of negligence. Cornwall County Council will take over the defence of any action.

Therefore, those members of staff who are trained to train others in Positive handling Strategies are deemed to be qualified by a nationally accredited organisation are indemnified in the event of any claim being made against them.

APPENDIX 1 SUGGESTED FORMAT FOR AN INCIDENT REPORT FORM

Schools may find the following format helpful when devising their own incident report system.

Consideration should be given to:

- accessibility of report forms;
- confidentiality : where completed forms are stored, who has access to them and why;
- a tamper-proof system :
- having sequentially numbered pages; cross-referencing witness statements.
- supplying a copy of incident notes to the member of staff involved.
- HS/61 and HSW5 must be completed if an injury is sustained.

Note

Should an incident occur that results in a child or young person being restrained to the ground, a copy of the incident should be sent to Mick Ferrie at the School Improvement Unit, County Hall, Truro, TR1 3AY

REPORT OF INCIDENT INVOLVING PHYSICAL RESTRAINT

_____ School

Date of Incident _____ Time _____

Pupil Involved _____

Staff Involved _____

Pupil Witnesses

Staff Witnesses

1. The Context:

Describe circumstances leading up to the incident with particular reference to attempts to avoid physical handling. Refer to presence of other adults (if applicable). Please include details of all strategies used to de-escalate the situation prior to the use of restraint being used.

2. Handling :

State clearly the grounds on which physical force was used. Describe how the pupil was held with approximate duration. If more than one member of staff was involved, each should record their actions separately and attach such records to this form.

3. Subsequent Behaviour :

Describe pupil's behaviour from point when hold was released until either supervision was handed over to someone else or normal activities were resumed.

4. Injuries sustained during incident: (include details of medical attention. County accident forms HS/61 and HSW5 should be completed)

To Pupil

To Staff

Signed : _____

Date : _____

Pupil's view of incident

(A **Verbatim Record** to be either written by the pupil or dictated by the pupil and written by the headteacher or senior member of staff).

Signed (pupil) _____ DATE _____

Signed (witness) _____ DATE _____

Conclusion

Written by Headteacher or senior member of staff.

Signed _____

Date _____

Further Action

(b) Therapeutic Contact

- Physiotherapy
- Hydrotherapy
- Holding techniques
- Halliwick method (swimming)
- Sherbourne technique (movement)
- Administration of medication

Non Acceptable Responses

Avoid

contact with parts of the body other than shoulders, arms and hands in all but exceptional circumstances, eg, staff working with physical disabled pupils. Teachers responsible for physical education should refer to BAALPE - Safe Practice in Physical Education. Another exception would be sitting a young child on one's lap.

Avoid

contact when a young person is in a reactive emotional state unless essential for reasons of safety.

Avoid any contact

when alone with a young person unless it is clearly relevant

(a) to teaching a skill eg, individual instrumental tuition; or

(b) to the need for dignity of disabled young people eg, when helping with toileting.

REMEMBER

the way our behaviour is experienced and interpreted may not match our intentions, however well meaning! Young people should always be helped to understand the purpose of physical contact