



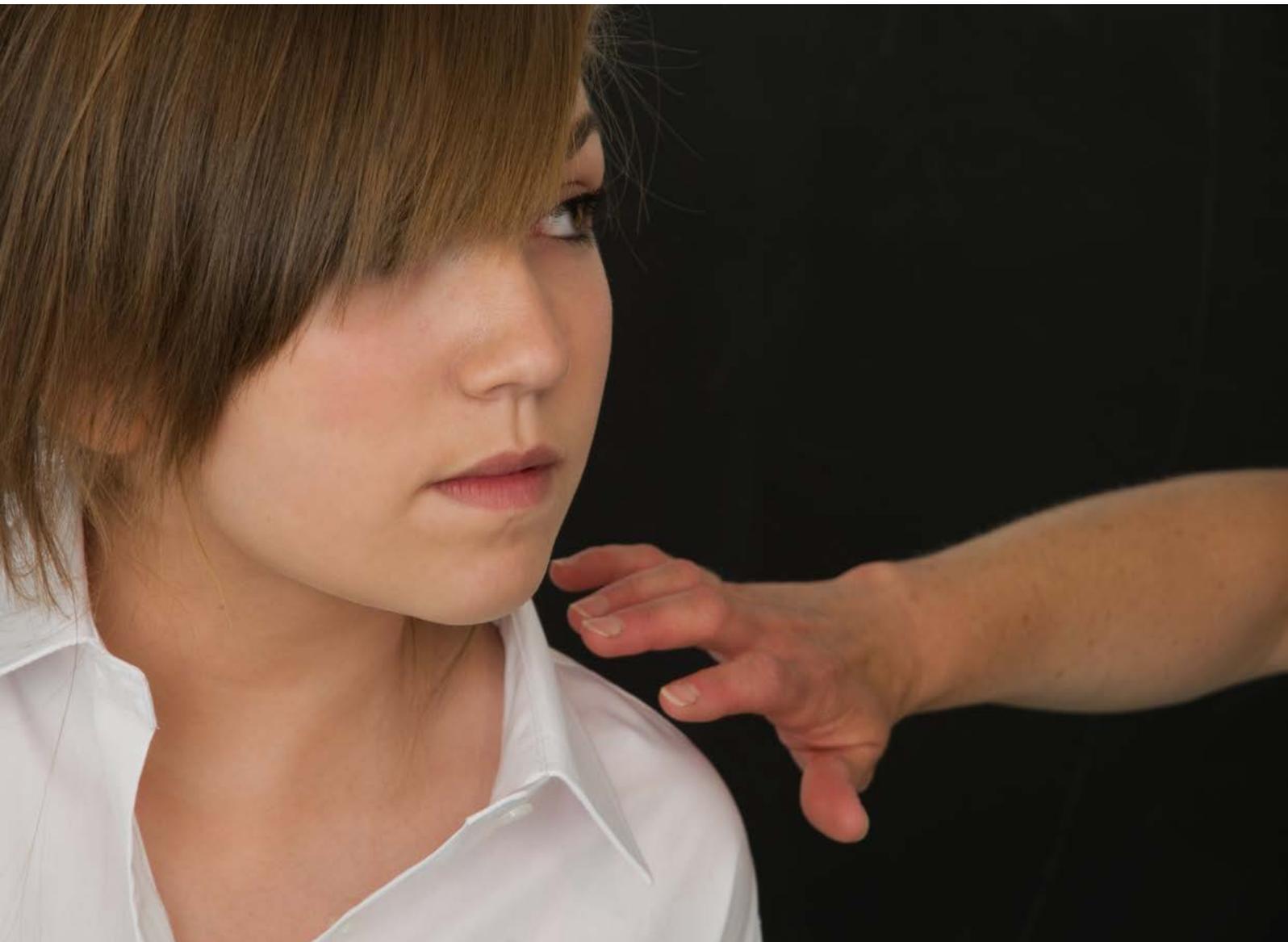
Welburn Hall School

Adopted: NYCC Guidance on the Use of
Restrictive Physical Intervention with
Children and Young People

Approved by Governors dated: _____

Signature of Governor: _____

Guidance on the Use of Restrictive Physical Intervention with Children and Young People



Children and Young People's Service



North Yorkshire
Children and Young People's
Strategic Partnership

**Revised and updated
September 2014**
Excellence for all

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INTRODUCTION

1

This guidance makes reference to:

Department for Children, Schools and Families (DCSF) 'Guidance on the Use of Force to Control or Restrain Pupils (November 2007)

Sections 93/165 of the Education Act 2006

'Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties' DCSF: September 2003

'Guidance for Restrictive Physical Interventions' DCSF/DH: July 2002 www.doh.gov.uk/learningdisabilities/publications.htm

It also draws on guidance issued in 'The Use of Force to Control or Restrain in Further Education' and on guidance issued to schools by the Education Departments of Redcar & Cleveland and Manchester City Council

Ofsted briefing on 'Additional provision to manage behaviour and the use of exclusion' (April 2013 – ref 120180)

It is important to set the use of physical intervention with children and young people in context. The vast majority of children and young people behave well, and conduct themselves in an acceptable manner in whatever setting. However, a small number may challenge expectations, rules and routines. Whilst children and young people may have or create difficulties in certain situations, they are not problems in themselves and that there is always a reason why children behave in particular ways in particular circumstances.

The Children and Young People's Service recognises that there will be extraordinary circumstances where the physical management of children or young people may be necessary for the protection of themselves or others. However, it is important that in those rare circumstances, restrictive physical intervention (RPI) operates within the framework of an agreed policy. This should outline certain principles and a set of approaches, procedures and arrangements which makes the use of such controls as safe and secure as possible, for all staff, children and young people. It must allow for consideration to be given to a range of de-escalation techniques and approaches, from physical presence, through distraction to restrictive intervention. There should always be a carefully considered/agreed involvement of staff and parents/carers when using RPI.

To address these circumstances, organisations working with children and young people should have developed suitable policy or practice guidelines that:

- encourage the development of self-worth and self-esteem in all their users;
- set high expectations for the behaviour of all those within the institution or community;
- promote a positive ethos and a safe and secure environment;
- foster mutual respect amongst staff and children or young people;
- still value the person whilst disapproving of or dealing with his/her unacceptable behaviour;
- plan approaches to managing inappropriate behaviour
- involve consultation with staff, parents or carers, and children or young people themselves;
- include monitoring practice and regular review of policy to take into account changing circumstances and evolving national or local guidelines.

INTRODUCTION

(continued)

1

'Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties'
DCSF: September 2003

'Guidance for Restrictive Physical Interventions'
DCSF/DH: July 2002
www.doh.gov.uk/learningdisabilities/publications.htm

DCSF The Use of force to Control or Restrain Pupils: 2007

Use of reasonable force: Advice for head teachers, staff and governing bodies.
DfE May 2012

Staff are vulnerable to allegations of abuse if they apply any form of physical intervention and get it wrong, or are perceived to do so. This may mean that the parents/carers, child or young person object to the application of the physical intervention. On the other hand staff are also vulnerable to accusations of a failure of duty of care if they do not apply any form of physical intervention and, as a consequence, a child or young person suffers harm.

In such difficult circumstances all staff need clear guidance from their organisation. This Guidance provides a framework of principles, and advice within which staff can operate and further develop their own local policies and arrangements. This document draws on guidance from both the Department for Education (DfE) and the Department of Health (DH).

For those that choose to train their staff in the use of restrictive physical intervention techniques, training should match the needs of the children and young people that staff are caring for. It is recommended that training is provided by suitably accredited trainers, who have a given level of experience. The Children and Young People's Service has a number of trained officers available to offer accredited training within the county. Schools/settings and other organisations may wish to use another accredited training provider.

Where children or young people, who are at risk, are placed outside of the County in day or residential schools and other settings, then Children and Young People's Services should be confident that relevant staff and carers have had suitable training and have made appropriate plans for managing violent or aggressive incidents in line with this guidance.

This guidance should not be treated as a complete and authoritative statement of the law. Interpreting the law is a matter for the courts but readers are strongly advised to follow this guidance. There is no legal requirement for schools, settings and other organisations to follow the guidance. It should help readers to understand what the law means for them in practical terms, as well as providing advice on good practice.

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AIM AND RATIONALE

planned physical interventions
where incidents are foreseeable

Aim

To maintain a policy based upon sound principles for positive support and restrictive intervention, which will help schools and organisations to:

- fulfil their duty of care to children and young people to prevent harm;
- develop and sustain an ethos/culture and practice which protects the dignity and safety of children, young people and staff;
- create and maintain a safe and secure learning environment;
- promote a shared understanding that as a **last resort**, planned restrictive intervention is an option that trained, authorised and monitored individuals may have to take.

Rationale

The guidance recognises that behaviour can almost always be managed using proactive and preventative approaches and that any restrictive intervention is only necessary after all other strategies have been exhausted.

This guidance recognises the need to make a clear, unambiguous statement about the practice of using physical intervention with children and young people.

The guidance describes the context and circumstances in which it may be appropriate to use different forms of physical intervention.

The Guidance from the Departments of Health and Children, Schools and Families distinguishes between **planned physical interventions** – where incidents are foreseeable and **emergency situations** – which cannot reasonably be planned in advance.

*The detailed advice and guidelines in this document are intended for those circumstances in which it is **known** that a child or young person may react aggressively or violently and therefore responses can and should be planned in advance and preferably in writing. In less predictable circumstances and for unplanned events it is clearly impractical to consider a long checklist before intervening. On these few occasions then trained staff should use the skills and knowledge that they have acquired and, as far as possible, avoid having to use physical intervention or should do so with reasonable, minimum force.*

PRINCIPLES

3

reasonable minimum force

(Section 93 of the Education & Inspections Act 2006)

Principles within the Legislation

1. **The use of reasonable minimum force to physically manage children and young people is permissible only in certain limited and defined situations.**
2. Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a child or young person from doing, or continuing to do, any of the following:
 - a. committing any offence (or, for a child under the age of criminal responsibility (10 years), what would be an offence for an older pupil);
 - b. causing personal injury to, or damage to the property of, any person (including the child or young person himself); or
 - c. prejudicing the maintenance of good order and discipline at the school or among any children or young people receiving education at the school, whether during a teaching session or otherwise.
- 2.1 The staff to which this power applies are defined in section 95 of the Act. They are:
 - a. any teacher who works at the school, and
 - b. any other person whom the head has authorised to have control or charge of children and young people. This:

includes support staff whose job normally includes supervising children and young people such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors;

can also include people to whom the head has given temporary authorisation to have control or charge of children and young people such as paid members of staff whose job does not normally involve supervising children and young people (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying on school-organised visits).
- 2.2 The power may be used where the child or young person (including a child or young person 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).

PRINCIPLES

(continued)

3

reasonable minimum force

*(Section 93 of the
Education & Inspections
Act 2006)*

- 2.3 There is no legal definition of when it is reasonable to use force. That will always depend on the precise context and circumstances of the individual case. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to ensure the safety of the child or young person. Use of force could not be justified to prevent trivial misbehaviour. However, deciding whether misbehaviour is trivial also depends on circumstances. For example, running in a corridor crowded with small children may be dangerous enough not to be regarded as trivial.
- 2.4 Those trained employees exercising the power to use force must also take proper account of any particular special educational need (SEN) and/or disability that a child or young person might have. Under the Equality Act 2010 schools have two key duties:
- a. not to treat a disabled child less favourably, for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification; and
 - b. to take reasonable steps to avoid putting disabled children at a substantial disadvantage to children who are not disabled (known as the reasonable adjustments duty).
- 2.5 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 in charge of children and young people. On preventing other types of criminal offence, section 93 provides essential clarification. It is by no means clear that all the behaviours that prejudice school discipline are also criminal offences and most primary children are below the age of criminal responsibility. So section 93 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

PRINCIPLES

3

(continued)

reasonable minimum force

*(Section 93 of the
Education & Inspections
Act 2006)*

- 2.6 Reasonable force may also be used in exercising the statutory power, introduced under section 45 of the Violent Crime Reduction Act 2006, to search children or young people without their consent for weapons. This search power applies to head teachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force could be used by the searcher and/or the second person required to be present at a search. However we strongly advise schools/settings not to search children or young people where resistance is expected, but rather to call the police.
- 2.7 **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.
3. In a social care setting young people cannot be restrained purely on the basis of “behaviour prejudicial to maintaining good order and discipline”. Some young people receive education in children’s homes. We would not wish to advocate restraint of young people in these settings if their behaviour disrupted the education of others.

Physical restraint is only used to prevent likely injury to the child concerned or to others, or likely serious damage to property. Restraint is not used as a punishment, as a means to enforce compliance with instruction, or in response to challenging behaviour which does not give rise to reasonable expectation of injury to someone or serious damage to property.

PRINCIPLES

(continued)

3

reasonable minimum force

*(Section 550A of the
Education Act 1996
Circular 10/98, para 9)*

de-escalation

Principles

1. It is good practice for explicit policy on the use of reasonable force to control or restrain children and young people to be in place. It is sensible for policy to describe both the kinds and circumstances the setting regards as justifying the use of force to restrain a pupil (for example, to prevent injury).
2. All staff need to understand their powers and the options open to them. They need to know what is acceptable and what is not.
3. It is the Children and Young People's Service's view that the use of reasonable minimum force to physically manage children and young people must be proportionate to the behaviour of the individual and the nature of the harm that they may cause. It should therefore be used **only**:
 - a. in exceptional circumstances where any other course of action would be deemed likely to fail;
 - b. as a last resort where all other courses of action have failed;
 - c. with the minimum degree of intrusion required to resolve the situation.

Where possible it should be a previously and carefully planned response and involve only staff who have received training in the use of positive support and restrictive intervention techniques.

4. The use of reasonable minimum force to physically manage children and young people **must not be used as a general behaviour management technique** or with intent to:
 - a. punish;
 - b. cause or threaten hurt;
 - c. oppress, threaten, intimidate or bully.

PRINCIPLES

3

(continued)

reasonable
minimum
force

*(Section 550A of the
Education Act 1996
Circular 10/98, para 9)*

de-escalation

last resort

conflict
resolution

5. The following advice is particularly relevant to children and young people with SEN and/or disabilities:
 - a. Involve the SEN Coordinator or other named member of staff and parents/carers. This will help ensure that appropriate account is taken of the needs of individual children and young people with SEN and/or disabilities including “fragile” children and young people.
 - b. Develop risk assessment plans for individual children and young people assessed as being at greatest risk of needing restrictive physical interventions in consultation with the child or young person and his or her parents/carers. Any planned use of physical intervention should be compatible with a child or young person’s statement and properly documented in school records.
 - c. Medical needs. There may be cases due to a pupil’s particular medical needs, where it is in the pupil’s best interest to consult a medical officer. Where it is known or suspected that a pupil does or may have an additional medical need, the school should always take advice from a medical officer.
 - d. As far as practically possible, make staff who come into contact with children and young people aware of the relevant characteristics of those individuals, particularly:
 - i. situations that may provoke difficult behaviour, preventive strategies and what de-escalation techniques are most likely to work;
 - ii. what is most likely to trigger a violent reaction, including relevant information relating to any previous incident requiring use of force; and
 - iii. if physical intervention is likely to be needed, any specific strategies and techniques that have been agreed by staff, parents and the pupil concerned.

Information from parents/carers may be as valuable as information held by the school. Some of this information may be sensitive. Schools should seek express consent (preferably written) from the parent/carer to inform appropriate staff. However, where consent is unreasonably withheld the information may still be made available to staff who need it, where minimising the chances of force being required would be in the vital interests of the child or young person concerned.
 - e. Designated staff to be called if incidents related to particular children or young person occur. This does not necessarily mean waiting for them to arrive before taking action if the need for action is urgent. However they should always be involved in post-incident follow-up. All staff have a duty of care to children and young people
 - f. Teach children and young people who are at risk some strategies to communicate to staff in times of crisis. Ensure staff are familiar with these strategies.

PRINCIPLES

(continued)

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*(Section 550A of the
Education Act 1996
Circular 10/98, Para 23)*

6. Staff should not act in a way that might reasonably be expected to cause injury, for example by:
 - i) holding a child or young person around the neck or by the collar;
 - ii) holding a child or young person in any way that might restrict their ability to breathe, i.e. compression of the lungs, chest area, diaphragm or wind pipe;
 - iii) slapping, punching or kicking a child or young person;
 - iv) twisting or forcing limbs against a joint;
 - v) tripping up a child or young person;
 - vi) holding or pulling a child or young person by the hair or ear;
 - vii) holding a child or young person down on the ground (only staff trained in advanced and appropriate techniques for ground recovery RPI should consider using a ground hold);
 - viii) prone restraint (i.e. holding the face down to the ground) should be avoided wherever possible and **should only be used rarely in exceptional circumstances for the minimum amount of time**, in line with service users' individual risk assessment and care plans.**

7. It is each member of staff's responsibility to make an assessment of the particular circumstances. Staff will need to decide:
 - whether they are capable of managing the situation alone;
 - if physical intervention is appropriate;
 - and if it is, at what level;
 - and whether there is a person to call on who is appropriately trained and authorised to carry it out.

Prior risk assessment should reduce the likelihood of such risks if:

 - responses can be thought out in advance and written into a plan;
 - they are implemented by trained and knowledgeable staff;
 - incidents are recorded in writing and plans reviewed.

PRINCIPLES

(continued)

3

behaviour management plans

8. Only authorised, trained staff should use these techniques. All authorised persons will need to take the following factors into consideration, **according to an agreed behaviour management plan for each child or young person who is known to be at risk of using aggression or violence:**
- i) any underlying condition affecting the child or young person;
 - ii) the behaviour or known intentions of the child or young person;
 - iii) the child or young person's emotional state and their own emotional state;
 - iv) the child or young person's gender, age and level of understanding;
 - v) the child or young person's perception of the situation;
 - vi) the child or young person's personal, social and medical history;
 - vii) the influence of peer and other pressure;
 - viii) any other events which may be causing the child or young person's anxiety;
 - ix) their knowledge of the child or young person and any behaviour management plans already in operation;
 - x) the current health of the child or young person;
 - xi) the location and time of day;
 - xii) the availability of other staff and the risks inherent in any planned course of action;
 - xiii) the antecedents to the situation;
 - xiv) the likely consequences of intervention and non-intervention.
9. In considering these factors particular attention needs to be given to the age, understanding and emotional state of the child or young person. As children grow, with age and maturity they become more able to make decisions. However competency is not only determined by age and maturity. The child or young person's emotional state and the possible consequences of his/her behaviour should be significant factors in decision-making.
10. The judgement on whether to use force and what force to use should always depend on the circumstances of each case and-crucially in the case of children/young people with learning difficulties and or disabilities-information about the individual concerned.

The use of force would be reasonable (and therefore lawful) if it was clear that the behaviour was sufficiently dangerous or disruptive to warrant physical intervention .

PRINCIPLES

(continued)

3

C.A.L.M. approach

imaging & self talk

communicating
caring

awareness
assessment

listening
looking
learning

making safe

minimum
force

minimum
time

11. Clearly it is not possible to take all of the following factors into account when faced with challenging behaviours. These are intended as an *aide memoire* for those circumstances where violent behaviour is predictable and planned responses can take these factors into account in advance. Staff should try to adhere to the following guidance before engaging reasonable minimum force to physically manage children or young people:
 - i) de-escalation and conflict resolution techniques must have been exhausted;
 - ii) the dignity of the child or young person must be protected;
 - iii) the child or young person should have been warned quietly, but clearly and firmly, of the likelihood of reasonable minimum force being used;
 - iv) staff employing reasonable minimum force should act in a calm and considered manner;
 - v) techniques employed should evidence a gradual and graded response commensurate with the situation, task and individual involved;
 - vi) techniques employed should allow for an increase if the circumstances dictate this is necessary but as quickly as possible, should ensure a decrease in the degree of reasonable minimum force used;
 - vii) where it is possible, more than one member of staff should be involved (in a community home setting at least 2), reducing risk, encouraging teamwork, requiring less effort and minimising the possibility of damage, and also preventing particular staff being associated with the employment of force;
 - viii) the least personally-intrusive method of reasonable minimum force should be employed;
 - ix) ideally, where a member of staff is physically managing a child or young person of the opposite gender, a member of staff of the same gender as the child or young person should be present from the earliest moment, if possible;
 - x) in every case no more force should be used, nor more time taken up, than is absolutely necessary to effectively resolve the situation;
 - xi) the child or young person should repeatedly be offered the opportunity to exercise his or her own self-control and the use of force should cease as soon as possible;
 - xii) if physical management is continuing too long then other planned strategies should be employed.

4 RECORDING AND FOLLOW-UP

Duplicate books of NYCC Incident Report Forms and continuation pages are available for use by schools.

Contact the Behaviour Support Service to obtain copies.

Children's Homes National Minimum Standards (Standard 22.14)

At the conclusion of an incident

1. The child or young person involved should be offered the opportunity to talk through the incident as soon as possible.
2. Staff who were involved should be afforded supportive discussion with appropriate colleagues as soon as is practicable. North Yorkshire's Staff Care Network may also provide additional support
3. All such incidents must be recorded comprehensively, within 24 hours, to include:
 - the date and the names of staff and the child or young person involved;
 - a summary of the incident, including reference to any de-escalation or conflict resolution strategies used;
 - the reason why a physical intervention was used, rather than another form of intervention;
 - the type of intervention used;
 - the duration of the intervention;
 - what subsequent action was taken;
 - the views of the child or young person concerned.
 - ensuring that parents are informed of any incident of physical intervention or unplanned, exceptional time away from the main learning environment.

All incidents of physical intervention should be recorded in a bound book and be dated in chronological order. The Children and Young People's Service has produced bound books of incident report forms with duplicates (*see appendix h*). These are available and provide a proforma on which to record details of any incident involving the use of physical restraint. Time should be provided to urgently complete these recordings.

4. The member of staff involved in an incident is usually best placed to compile the record. It is good practice for the member of staff with lead responsibility for safeguarding to check the record.
5. It is crucial that where incidents are reported they detail the antecedents of the incident and a description of how it was managed. How the incident was concluded, feedback from the Manager and crucially the young person's view of the incident.
6. All children and young people should be given an opportunity to discuss incidents when disciplinary measures or restraint are used, they should be encouraged to write or to have their views recorded.

4 RECORDING AND FOLLOW-UP

Guidance 'Safeguarding Children and Safer Recruitment'

7. The child's risk assessment must be reviewed and where appropriate, updated and amended to reflect any planned changes to provision arising from the incident.
8. Children's Homes National Minimum Standards (Standard 22.13) states:

"... where there has been physical intervention, the child will have the right to be examined by a registered nurse or medical practitioner within 24 hours."

Responding to complaints

The use of restrictive physical intervention can lead to allegations of inappropriate or excessive use. In the event of a complaint being received in relation to use of force by staff, the matter should be dealt with in accordance with agreed procedures for handling allegations against members of staff.

Duplicate books of NYCC Incident Report Forms and continuation pages are available for use by schools.

Contact the CYPs - Lead Adviser (Behaviour, Discipline and Attendance) to obtain copies.

5

LEAVING SCHOOL PREMISES WITHOUT ADULT PERMISSION

Children and young people are less likely to absent themselves from school without permission, when relationships are good, when the curriculum is well differentiated to meet the children and young peoples' needs and when school works closely with parents/carers to provide a safe/inclusive environment.

On a small number of occasions, children and young people may put themselves at risk of significant harm, by absenting themselves from school without staff permission.

On those occasions, a member of staff should minimise any danger to a child or young person by monitoring their whereabouts on the school premises and attempting to re-engage the child or young person in a positive dialogue about the best thing to do next. This dialogue should usually consist of reassuring encouragement to move back onto the school premises, so that the child or young person can discuss the best next steps.

Consideration should be given to the individual needs of the child or young person and, for example, the proximity of busy roads. Very young children may need to be physically restrained to stop them from leaving the school or from leaving the school premises.

If the child or young person leaves the school premises, staff should continue to monitor the whereabouts and safety wherever reasonably possible. The parents/carers should always be informed immediately and asked to attend school to assist in minimising any risk. If school is unable to make contact with the parents/carers, the police should be contacted immediately to request their support.

Secondary schools should have an agreed policy for monitoring pupil's safety, including informing parents, in the event of pupils absenting themselves from lessons and/or from the school premises.

Where it is known that a child or young person may put themselves at risk, school should work closely with parents/carers and significant others to plan, monitor and evaluate interventions.

6 GUIDANCE FOR SCHOOLS AND SETTINGS IN MANAGING SITUATIONS WHERE THE SOCIAL, EMOTIONAL AND BEHAVIOURAL NEEDS OF CHILDREN UNDER 16 YEARS OF AGE MAY REQUIRE TIME AWAY FROM THE MAIN LEARNING ENVIRONMENT.

What is time out?

Background

It is the duty of all our schools and services to provide a culture of 'can do'; a culture where children, regardless of their needs feel safe, healthy and make good progress. In order to do this we need to build confident leaders, set clear expectations and provide an environment where children can thrive, enjoy attending school and achieve. When children feel unsafe and learning has temporarily stopped many schools provide time out, away from the immediate learning environment, in order to support the child or young person to re-engage with the learning process. This guidance sets out the principles to guide the practice of schools, to support staff to continue to meet the needs of a child, even when their behaviour, might challenge staff and the schools' expectations.

Recent legal cases including in particular R(C) v a Local Authority have highlighted the fact that what we understand by time out may be being mis-applied in some cases and go beyond what is legally permissible (seclusion). This guidance sets out the principles to distinguish what is permissible and what is not, to guide the practice of schools and to support staff to continue to meet the needs of a child, even when their behaviour might challenge staff and the school's expectations.

However, the guidance is not designed to provide schools with detailed arrangements to meet the needs of all children. This can only be achieved through the school's engagement with the child, parents/carers and specialist services e.g. educational psychologists or suitably experienced teachers in order to draw up plans which reflect the needs of the individual child and the context/circumstances of the school.

Definitions

'Time out' properly describes a behaviour intervention. The joint guidance published by the Department for Health and Department for Education and Skills (2002), quoted in BILD Factsheet (Oct.2009) describes time out as:

'restricting the service user's (child's) access to all positive reinforcements as part of the behavioural programme'.

Time out may be implemented as part of a behaviour support plan and might include:

- Preventing a child being involved in the activities which reinforce their target behaviour until the behaviour stops and the child engages appropriately.
- Asking /instructing the child to leave the activity and return when they feel ready to be involved and stop the behaviour that is of concern.
- Accompanying the child to another setting and preventing them from taking part in the activity they were undertaking / participating in for a set period of time.

Time out is a voluntary strategy employed by a child, even if they are supported or guided to it by an adult, and as such should be part of the child's personal provision map. It is a 'coping strategy' for the

6

What is seclusion?

Restriction of Access or Exit

This describes a situation in which staff stand in doorways or corridors to restrict a person's movement. It is a means of preventing them accessing dangerous environments, or leaving a room when it is judged that it would be prejudicial to the maintenance of a safe and secure environment for them to do so. The adult remains present in the room to support the child at all times. At no time should the door be locked, as to do so is unlawful and can amount to the false imprisonment of the child.

Seclusion

Seclusion involves the involuntary confinement of a child **alone** in a room or area from which the child or young person is physically prevented from leaving.

Any time a child is involuntarily **alone** in a room and prevented from leaving should be considered to be seclusion regardless of the intended purpose or the name applied to this procedure or the name given to the space where the child is confined.

Seclusion involves the removal of a child's liberty, for however short a period of time it may be used, and as such is an infringement of their human rights. It should therefore be avoided wherever possible. Schools need to be aware that any decision to seclude a child (place them in a room on their own, and preventing them from exiting) is very likely to be illegal and may well constitute false imprisonment. Staff implementing or supervising seclusions are placing themselves in an extremely vulnerable situation and may face legal consequences.

NB it is not *normally* lawful to lock a child or young person in a room without a court order. We would not generally advocate for access to be locked to stop a child or young person leaving a building.

The Authority's current legal advice following the judgement in R (C) v a Local Authority is that seclusion for any more than a negligible amount of time is illegal. Seclusion should only be considered in exceptional circumstances, as a last resort and where the adults' judgement, based on prior knowledge of the child, is that the child presents a serious risk of harm to themselves or others, and all other possible alternatives have been tried and failed.

In practice this means that when all other appropriate forms of restraint and intervention have been exhausted, seclusion may be used for the briefest time possible whilst the child's parents and/or the police are called to take charge of the child. Seclusion could only be justified if a school /setting can demonstrate that it has made a range of reasonable adjustments and employed a wide range of alternative strategies before it is considered.

Time away from the learning environment is absolutely essential for some children. The use of time out from the learning environments should be part of a planned approach to meet a child's needs, and usually when all other strategies have been clearly /consistently employed. Where other strategies have been used but are not successful, a review meeting should consider the reasons for the failure; very often, by slightly adjusting these strategies they can have a positive impact. In order to do this the school /setting should keep clear, accurate and up to date records of behaviour, strategies employed and outcomes.

6

References:

British Institute of Learning Disabilities (BILD) factsheet (Oct. 2009): Time out and seclusion.

The use of seclusion in learning disability services: Learning Disability Practice vol. 11 no.5 (June 2008) pgs 12-17.

DfE (2012) Use of reasonable force. Advice for head teachers, staff and governing bodies.

Time out should **never** be used as a consequence or sanction; it should be used either to ensure the child's safety when behaviour is severe and happening very frequently, or as part of a planned approach to support a child to learn new behaviours. Adults working with the children should consider how their own behaviour is helpful in solving the difficulty and work towards maintaining this helpful behaviour.

Children and young people who may need to occasionally spend time away from their main learning environment, in time out should only do so after staff in the school /setting have developed clear plans and protocols.

The school should ensure that :-

- any room chosen for time away from the main learning environment is a safe and dignified environment
- a child or young person is never left unsupervised, even for a minimal period to negate any risk of self-harm

Schools should put in place the following arrangements before using time out:

- time for a senior leader to provide clear and consistent guidance, advice and support to staff across the school;
- consultation and involvement of parents /carers and the child in the planning, monitoring and review process;
- consultation and involvement of appropriate partner services in the planning, monitoring and review process, for example an educational psychologist (EP), or enhanced mainstream school (EMS) specialist teacher;
- robust arrangements to maintain good relationships with the child, provide imaginative curriculum provision and creative de-escalation support
- arrangements to identify when time out might be used, and how the child's safety /progress will be monitored while based in that provision; for example, time spent away from the usual learning environment should be for the shortest time possible and be in relation to the needs of the individual child;
- arrangements to provide support to the child in the class, and identify how the school is supporting staff;
- protocols for the use of a time out, which should not be confused with other behaviour strategies which might include rewards and consequences;
- an agreed written plan, which should be monitored weekly and evaluated at least each half-term, involving parents /carers and significant others. This should include a review of the frequency of a child using time out;
- arrangements to monitor and support the work of all staff , including the opportunity for staff to reflect on and discuss their practice in relation to the school's policy / LA Guidance.

If, however, a child's emotional safety is clearly compromised through the use of this provision, school should take advice from the child, the parents /carers and significant others, and review the provision /make alternative arrangements.

GUIDANCE FOR SCHOOLS AND COLLEGES TO MANAGE SITUATIONS WHERE THE SOCIAL, EMOTIONAL AND BEHAVIOURAL NEEDS OF YOUNG PEOPLE BETWEEN THE AGES OF 16-18, MAY REQUIRE TIME AWAY FROM THE MAIN LEARNING ENVIRONMENT

This guidance comes in two parts:

A. Guidance concerning pupils who are considered to have capacity to have acted in a manner which has generated a need for seclusion/restraint

B. Guidance concerning pupils who act in a manner requiring seclusion or restraint but are believed to lack the capacity to be responsible for their actions.

Section A: Guidance for those with capacity who may require seclusion and restraint

The previous sections provide guidance concerning the use of restraint and time out with pupils aged 4-15. The guidance can be applied in the same terms for pupils aged between 16 and 18 years old.

The guidance advises about powers available under S93 Education and Inspections Act 2006 to allow reasonable force in certain situations. A similar power exists under S85 Further and Higher Education Act 1992 which allows a member of staff the right to use reasonable force against a student at the institution from committing an offence, causing personal injury to, or damage to the property of any person (including himself) or prejudicing the maintenance of good order and discipline at the institution whether during a teaching session or otherwise.

Therefore, the use of reasonable restraint can apply to 16-18 year olds whether in school or a further education institute in the same manner as described in the guidance for pupils aged 4-15.

Section B: Guidance for those without capacity who may require restraint and time away from the main learning environment

For pupils aged 16 years and above, the terms of the Mental Capacity Act 2005 can apply and should be taken into account when making decisions concerning the pupil, including decisions on restraint and time away from the main learning environment.

7

What does capacity mean?

For the purposes of the Mental Capacity Act 2005, a person lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment of, or a disturbance in the functioning of, the mind or brain.

It does not matter whether the impairment or disturbance is permanent or temporary.

A lack of capacity cannot be established merely by reference to:

- a person's age or appearance, or;
- a condition of his, or an aspect of his behaviour, which might lead others to make unjustified assumptions about his capacity.

In proceedings under the Mental Capacity Act or any other enactment, any question whether a person lacks capacity within the meaning of this Act must be decided on the balance of probabilities.

Therefore an impairment to prevent a decision being taken can be a temporary problem. For example, if a 16-18 year old turned up at school or college in a drunken state or incapacitated by drugs, he may be unable to make a decision which he could ordinarily take – the terms of the Mental Capacity Act 2005 could then have relevance during the term of the incapacity.

A person should always be presumed to have capacity to make a decision and the issue of capacity should be decided on a balance of probabilities (is it more probable or not that a person can make a decision for themselves?).

The question of capacity should also be issue specific.

Can a person make a particular decision or not? Many people may have capacity to be able to make simple decisions for themselves, for example what to wear or what to eat, but lack the capacity to make more complex decisions, for example managing finances or making difficult emotional decisions.

If an incident arises concerning a 16-18 year old which requires intervention, the member of staff dealing with the incident must try to decide on the balance of probabilities whether or not the young person had capacity to decide to act in a disruptive way. It is possible for a person with capacity to make a bad decision, so it is wrong to assume that a person misbehaving must always lack capacity to have decided to act in such a way.

7 How to respond if a person lacks capacity?

How do you make a 'Best Interest' decision?

If a decision is being made for a 16-18 year old who lacks capacity, then any such decision should be made in his/her best interests to comply with the terms of the Mental Capacity Act. Naturally, if a pupil is causing disruption or putting him/her or others at risk of harm, there may be a need to intervene, but the method of intervention and restraint should be carried out considering the pupil's best interests.

The manner of decision making will heavily depend on the circumstances. The Act recommends, as far as possible, that the person's own views are taken into account in the decision making process, and that past and present wishes and feelings ought to be considered together with the factors, beliefs and values the pupil may have considered, had he been able to decide for himself. It also recommends consultation, where practicable, with significant others who may have an interest in the pupil's welfare.

Clearly, there won't be time to consider many of these steps if a pupil is causing disruption in a class and early intervention is required. However, if the pupil has patterns of unsafe behaviour, for example self-harm, which requires intervention, it is strongly recommended that there are robust risk assessments and plans in place to assist the school or college to manage such behaviour when it should arise. If there is careful planning to manage with anticipated problems, then it is possible to make a best interest decision as the Act directs. The pupil should be asked to contribute if appropriate, for example, "How would you like us to respond if you became emotional in class?" Additionally family/carers, and support services should be invited to a planning meeting to discuss how to manage events. A joint approach will also help minimise the risk of criticism and challenge over the nature of the school's or college's restraint.

What to do?

Subject to the above, restraint should always be kept to a minimum and only be used if it is the least restrictive option to manage unsafe behaviour. It must be perceived to be a last resort and used for the shortest time possible and must certainly not be used as any form of punishment. Restraint and seclusion can violate a person's human rights and a person lacking capacity is not able to validly consent to such rights being breached. Any pupil who may be expected to be restrained with any regularity because of disability may even require the school or college to consider an application to the Court of Protection to authorise the deprivation of liberty taking place.

APPENDIX

DEFINITION OF TERMS



Challenging Behaviour

This guidance establishes a framework to aid the development of local policies and practice. Restraint represents the most severe form of all physical intervention strategies permissible. It is helpful if all staff working with children or young people understand and use similar terminology. Set out below is a glossary of terms which organisations and staff may find useful.

Behaviour can be described as challenging when it is of such an intensity, frequency or duration as to threaten the quality of life and/or physical safety of the individual or others and is likely to lead to responses that are restrictive, aversive or result in exclusion. (Report from the Royal College of Psychiatrists, British Psychological Society & Royal College of Speech Therapists, June 2007).

Defusing and De-escalation

Where staff engage in a focused discussion with the child or young person with the aim of persuading him/her from an intended course of action. Using humour (but not sarcasm) or offering diversions to reduce tension in the situation. (*see also appendix f*)

Control

Describes a situation in which staff stand close by or in front of a child or young person momentarily, or temporarily in their way. Physical presence can be a means of both communicating authority and re-establishing safety and security.

Restriction of Access or Exit

Describes a situation in which staff stand in doorways or corridors to restrict a person's movement. It is a means of preventing them accessing dangerous environments, or leaving a room when it is judged that it would be prejudicial to the maintenance of a safe and secure environment for them to do so.

NB it is not *normally* lawful to lock a child or young person in a room without a court order. We would not generally advocate for access to be locked to stop a child or young person leaving a building.

Withdrawal

Describes the removal of a child or young person from a situation that was causing distress or anxiety to a place where s/he can be supervised and supported until s/he is ready to resume normal activities.

Time Out

Involves restricting a child or young persons's access to all positive reinforcements as part of a behavioural programme.

Physical Diversion

Describes a means of deflecting a child or young person from destructive and/or disruptive behaviour, for example, by holding a hand, placing a hand on the forearm, putting an arm around a shoulder, or guiding by placing a hand on the back. It involves little force but serves to reinforce staff attempts to reason with the child or young person.

Physical Intervention or Restraint

Describes the use of minimum force to hold back physically or to bring a child or young person under control to stop from, harming him/herself or others, seriously damaging property, absconding or disruptive behaviour which prejudices the establishment and maintenance of a safe and secure environment.

APPENDIX 6 LEGAL FRAMEWORK FOR SCHOOLS

(Section 550A of the
Education Act 1996,
Circular 10/98, para 9)

**‘Any form of
corporal
punishment in
schools is
illegal, and
this ban is
absolute.’**

Section 550A of the Education Act 1996 sets out the powers which teachers and other staff have to use reasonable minimum force to physically manage children and young people, and came into force on 1 September 1998. Section 550A allows those teachers and other members of staff who are authorised by the Head Teacher to use such force as is seen as being “reasonable” to prevent a child or young person from:

- committing a criminal offence (including behaving in a way that would be an offence if the child or young person were not under the age of criminal responsibility);
- injuring themselves or others;
- causing damage to property (including the child or young person’s own property);
- engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its children or young people, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

Any form of corporal punishment in schools is illegal, and this ban is absolute.

In considering issues around the use of physical intervention with children and young people, schools need also to consider the following:

- The Children Act 1989, guidance and regulations, which state physical intervention “should be used rarely and only to prevent a child from harming himself or others or from damaging property. Force should not be used for any other purpose, nor simply to secure compliance with staff instruction”.
- Further advice on behaviour and discipline, is given in Use of reasonable force: Advice for headteachers, staff and governing bodies, DfE May 2012.
- Safeguarding Children and Safer Recruitment in Education DFES 2007 sets out the arrangements schools should have in place to safeguard children and young people, including from abuse and neglect. Schools should have a Child Protection Policy which includes procedures to be followed when an allegation is made against a person working in or on behalf of the school. This should be in line with the North Yorkshire Safeguarding Children Board procedure. Schools should make reference to the NYCC Safeguarding Audit (September 2012)

<http://cyyps.northyorks.gov.uk/index.aspx?articleid=21016>

- ‘Guidance on the use of restrictive physical interventions for staff working with children and young people who display extreme behaviour association with learning disability and/or autistic spectrum disorders’ was issued to all LAs, Health & Social Services and Special Schools in July 2002 (jointly by the DCSF and DH) This offers guidance to special schools and LAs on how to respond to children and young people presenting severe problems in managing their behaviour.

APPENDIX

RESPONSIBILITY - PEOPLE INVOLVED IN EDUCATION

Schools and their staff (teaching and non-teaching) are responsible for:

- agreeing strategies for managing difficult behaviour and consulting parents and governors;
- developing a policy on positive support and intervention which reflects the principles and contents of the Children and Young People's Service Guidance;
- ensuring that they are aware of the policy contents and that they have the appropriate skills;
- implementing, communicating, publishing, monitoring, evaluating and reviewing the school policy;
- ensuring that every opportunity is made to resolve conflicts non-physically, avoiding the use of physical intervention;
- recording each incident in which a member of staff uses force on a child or young person, and for reporting these incidents to the child or young person's parents as soon as possible after the incident. This may often be by telephone in the first instance, but in writing within 24 hours;
- monitoring the frequency and duration of incidents;
- acting as good role models;
- ensuring that they contribute to the creation of a safe working environment for all;
- being involved in incidents requiring managing challenging behaviour according to their training and capability.
- Governors** are responsible for:
 - from September 2010, governing bodies must ensure that a procedure is in place for recording each significant incident which a member of staff uses force on a child or young person, and for reporting these incidents to the child or young person's parents as soon as practicable after the incident. Governing bodies must take all reasonable steps to ensure that staff follow the procedures. This is to ensure that parents are kept informed of serious events at school concerning their child or young person.
- supporting the creation of a safe working environment for all;
 - ensuring that the school has a policy which reflects the principles and practices of the Children and Young People's Service policy, and that the policy is implemented, communicated, published, monitored, evaluated and reviewed;
- ensuring that the climate of the school encourages a peaceful, calm and non-physically threatening atmosphere/ethos;
- making appropriate resources available for the policy to be fully implemented.

APPENDIX
RESPONSIBILITY
- PEOPLE
INVOLVED IN
EDUCATION
(continued)

Children and young people are responsible for:

- behaving in a manner which does not instigate the use of physical intervention;
- resolving conflicts amicably and responding to adults' efforts to de-escalate difficult situations;
- ensuring that they contribute to the creation of a safe working environment for all.

The **LA** is responsible for:

- contributing to the creation of a safe working environment for all;
- providing support, guidance, advice and information;
- developing, communicating, publishing, monitoring, evaluating and reviewing of policy;
- facilitating opportunities for training for all staff;
- reporting, where appropriate, incidents which need to be shared and may need to be referred into the safeguarding procedures;
- listening to the views of children and young people, parents, schools, governors and others.

Parents/carers are responsible for:

- ensuring that they support the creation of a safe, non-oppressive working environment in schools;
- supporting the school and the Children and Young People's Service guidance;
- working with the school in a supportive role to resolve difficult incidents;
- acting as good, positive role models;
- encouraging attitudes in their child or young person which avoid physical conflicts.

APPENDIX

ENTITLEMENT - PEOPLE INVOLVED IN EDUCATION

Schools and their staff (teaching and non-teaching) are entitled to:

- support from children and young people, parents, governors and the Children and Young People's Service in implementing their policy;
- a safe and secure working environment i.e. not to be placed in situations where there is a known risk of violence without appropriate training and support;
- be treated with respect and dignity;
- have their awareness of issues around restrictive physical intervention raised;
- be aware of the school policy on restrictive physical intervention and of the school's arrangements and be involved in their development;
- be trained (where the school policy and Union guidelines permit) in the use of physical intervention;
- be informed about children and young people for whom physical intervention may need to be totally avoided except in exceptional circumstances;
- be supported by senior staff where incidents occur;
- a framework of operation which encompasses procedures, training, monitoring, record keeping and a continuum of de-escalation/conflict resolution strategies;
- guidance from the Children and Young People's Service and a policy to advise them.

Governors are entitled to:

- guidance from the Children and Young People's Service on policy and practice ;
- be informed about the use of restrictive physical intervention techniques in the school on a regular basis;
- support from the Children and Young People's Service, parents and staff in implementing the school's policy.

APPENDIX
ENTITLEMENT
- PEOPLE
INVOLVED IN
EDUCATION
(continued)

Children and young people are entitled to:

- a safe, secure and non-oppressive working environment;
- be as fully aware as possible of the policy and how it relates to them;
- be treated with respect and dignity, regardless of race, religion, gender, age, special educational needs;
- know that the Children and Young People's Service and school policy will be properly implemented and supported by the staff, governors and the Children and Young People's Service;
- have their feelings, views and needs considered by schools, governors and the Children and Young People's Service.

The **LA** is entitled to:

- know that all settings will have a clear policy on the use of restrictive physical intervention which reflects the principles and content of the Children and Young People's Service policy;
- information about incidents involving the use of physical intervention;
- support from staff, governors and parents/carers in implementing its policy on restrictive physical intervention.

Parents/carers are entitled to:

- know the school's policy and arrangements on restrictive physical intervention, via the school brochure and individual behaviour management plans, pastoral support programmes or individual education plans;
- be informed about incidents which involved their child or young person and be involved (where appropriate) in resolution of related problems;
- know that their child or young person will experience a safe and secure non-oppressive learning environment.

APPENDIX E SCHOOL POLICIES

‘Guidance on the use of restrictive physical interventions for staff working with children and young people who display extreme behaviour in association with learning disability and/or autistic spectrum disorders’ (DCSF & DH, July 2002)
Section 10 of this document provides detailed information on policy development, a summary of which is provided here.

Special schools

may also wish to refer to the guidance from page 7 onwards of ‘Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties’
DCSF: September 2003

“policies should be reviewed, evaluated and amended at least every 12 months”

A school’s Behaviour Policy and the related Positive Support and Intervention Policy will set out the broad range of strategies staff are allowed to use when attempting to defuse an incident of extreme behaviour.

Policies are expected to include reference to the following:

- strategies for preventing the occurrence of behaviours which may lead to the use of a physical intervention;
 - strategies for ‘de-escalation’ or ‘defusion’ which can avert the need for a physical intervention;
- procedures for post incident support and de-briefing for staff, children and young people and their families;
 - the concept of reasonable force where ‘reasonableness’ is determined with reference to all the circumstances, including:
 - the seriousness of the incident;
 - the relative risks arising from using a physical intervention compared with using other strategies;
 - the age, cultural background, gender, stature and medical history of the child or young person or service user concerned;
 - the application of gradually increasing or decreasing levels of force in response to the person’s behaviour;
- the approach to risk assessment and risk management employed;
- the distinction between:
 - *seclusion* (which is very likely to be illegal) where an adult, child or young person is forced to spend time alone against their will;
 - *time out* which involves restricting the child or young person’s access to all positive reinforcements as part of the behavioural programme;
 - *withdrawal* which involves removing the child or young person from a situation which causes anxiety or distress to a location where they can be continuously observed and supported until they are ready to resume their usual activities;
- the distinction between *planned* physical interventions (where incidents are foreseeable) and the use of force in *emergency* situations (which cannot reasonably be anticipated);
- first aid procedures to be employed and those responsible for implementation in the event of an injury or physical distress arising as a result of a physical intervention;
- policies should clearly describe *unacceptable* practices that might expose service users or staff to foreseeable risk of injury or psychological distress.

APPENDIX AVOIDING & DE-ESCALATING CONFLICT: SOME DO'S AND DON'TS

DO

- intervene early
- appear calm and confident
- get close and talk quietly
- avoid an audience
- restate expectations
- offer choices
- allow time and space
- get someone else to take over if you think it's personal or more than you can manage

DON'T

- shout
- appear angry
- ask 'open' questions (e.g. why...? or are you...?)
- make promises you cannot fulfil
- make personal comments
- back the pupil into a corner (literally or metaphorically)

Avoiding confrontation

It is often possible to decide not to 'make an issue' if a confrontation is predictable. This decision is inextricably linked with existing relationships and whole-school policies. A frequent point of initiation of confrontation is where conflicting or inconsistent expectations allow for discussion or argument. If it is desirable to 'make an issue', one may decide to defer the matter, with or without making an issue at the time. Avoiding having an audience is paramount.

It is useful to remember that adults should have the skills/experience/self-confidence/power, in inter-personal communication. Many children or young people have few, if any, of the above – in particular those who are most likely to become involved in confrontation with staff. It should not be beyond a determined adult to avoid a confrontation developing except in the most extreme circumstances.

There are many alternative approaches. Adults should try a range of responses and develop what seems comfortable to them. Some find that a little, light humour helps defuse potential friction.

As a general rule shouting, unless it is to draw attention (e.g. to stop a child or young person who is about to do something which is unintentionally dangerous) is likely to be ineffective in avoiding or de-escalating conflict.

Maintaining a calm manner whilst making clear that the child or young person is behaving in an unacceptable manner is more likely to lead to a peaceful resolution than shouting and other signs of anger.

A simple restatement of expectations that does not invite comment or request any response 'closes down' some potential for confrontation. When linked with a simple choice, in the form of a statement, this also allows the child or young person to take some 'ownership' of the outcome by making a decision. An example of such a comment might be, "You know what you are expected to do, complete the writing up of the experiment. Either get on with it now or you'll have to see me at the end of lesson to arrange to do it after school." At this point the teacher might move away and interact with other children or young people who are working, thus drawing attention away from the other child or young person and allowing a breathing space for both parties.

APPENDIX AVOIDING & DE-ESCALATING CONFLICT: SOME DO'S AND DON'TS

DO

sit down

break eye contact

divert the focus (e.g. by
humour - not sarcasm -
by suggesting a different
activity, even work!)

encourage, talk and be
prepared to listen

be prepared to lose face

DON'T

take angry comments
personally

'invade' personal space

insist on 'getting your
own way'

De-escalation

It is advisable, wherever possible, to depersonalise interactions. Taking a step back from the immediate situation and being able to disassociate from personal comments, viewing them instead as general expressions of anger and frustration, can be a helpful approach to adopt.

It is important to be aware of the use of personal space and the effect different styles of interpersonal interactions have on defusing conflict. De-escalation strategies may include sitting down rather than standing over a child or young person, inviting the child or young person to sit down themselves, or walking away to the other side of the room. It may be safe to leave the room completely, perhaps asking another teacher (not involving a more senior member of staff necessarily) to supervise, if the confrontation is thought to be personally inspired.

Schools may feel that it is worth designating a specific space for the de-escalation of conflicts; such spaces are often used as 'time out' rooms, allowing all parties a non-threatening opportunity to gain self-control before attempting a reconciliation. For some children and young people access to such facilities can provide a vital "safety valve"; such a short or long term arrangement should be described within the child or young person's Individual Education Plan or Pastoral Support Programme, as indicated above.

Associated Guidance Documents

- Example school RPI Policy;
- Guidance on Managing the Transition of Vulnerable Children and Young People;
- Serious Incident Book

All of the above can be obtained from Education Development Adviser for Behaviour, Discipline and Attendance (EDA BDA).

APPENDIX 9 RISK ASSESSMENT

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 or young person; interactions between the child or young person and his or her environment; the direct impact of behaviour(s) presented by the child or young person; measures and interventions employed to reduce, limit or manage the risks presented to the child or young person 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 judgements about risk issues
- weighing up options and taking reasonable risks
- taking action to implement a range of approaches to support and safeguard children and young people.

By working in this way it is possible to make decisions and take actions to:

- limit the level of inherent risk** to which children and young people and others are exposed
- **take calculated risks** to broaden the child or young person's experience and maximise his or her individual potential
- avoid unreasonable risks** for this child or young person and others
- ensure that strategies used to respond to challenging behaviour are **legal, reasonable**, and **proportionate** to the risks presented by the behaviour.

The information and examples provided in this appendix are taken from 'Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties' DCSF: September 2003



CYPS risk assessment for managing high - level challenging behaviours

Name of child/young person: Date of birth: Date of assessment:

Date of review: Information provided by: Risk assessor(s):

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Identification of risk

1. Clear and detailed description of high-level challenging behaviour

2. Who is affected by the behaviour (injured or harmed)?

3. In which situations does the behaviour occur/not occur?

4. What kinds of injuries or harm are likely to occur?

5. What relevant records, reports or other documents are already in place? (e.g. IEP, PSP, lesson planning, General Risk Assessment, Health Care Plan, Education Health and Care plan, Individual provision map)

Risk rating matrix

Severity
1. Property damage
2. Minor injury
3. 3 day injury
4. Major injury
5. Death/Disability
Likelihood
1. Very Unlikely
2. Unlikely
3. Possible
4. Likely
5. Very Likely

Severity (Emotional) N.B could be those affected by the person who is the focus of the risk assessment	
1.	Upset/ distress that subsides relatively quickly and with minimal additional support i.e. within a day or so
2.	Significant distress or upset that can be addressed or resolved within a few days i.e. has no lasting negative impact
3.	Emotional response that results in deteriorating / Erratic attendance, withdrawing/not engaging, anxiety, etc., Worry; impacts on behaviour of others (e.g. negativity, irritability, negative emotions, lack of concentration, lack of motivation)
4.	Long term/repeated deliberate risk-taking. Emotional impact severe enough to trigger referral to another service e.g. CJMHS/GPIEP. End or significant mental health intervention e.g. attempted suicide/Anorexia/school refusal
5.	Death/ suicide, severe depression, long term mental health issues

Severity	1	1	2	3	4	5
	2	2	4	6	8	10
	3	3	6	9	12	15
	4	4	8	12	16	20
	5	5	10	15	20	25
	X	1	2	3	4	5

Likelihood

Score

1 - 8 = **LOW RISK (L)**
 9 - 15 = **MEDIUM RISK (M)**
 16 - 25 = **HIGH RISK (H)**

Description of High-level challenging behaviour (From Box 1. Page 1)	Degree of risk Severity x likelihood										Risk rating		New risk rating (after further measures)		
	1	2	3	4	5	X	1	2	3	4	5	Score	LMH	Score	LMH
							X								
						X									
						X									

Behaviour Management Plan

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Interventions	Measures in place	Further measures (if required)
Proactive interventions to reduce/ remove risk		
Reactive interventions in response to escalating behaviours.		

Communication of Risk Assessment and Behaviour Management Plan

Shared with	Communication Method	Date actioned and by whom

Review of Risk Assessment and Behaviour Management Plan

Any significant changes since last assessment?

(Consideration needs to be given to the impact of measures on behaviour in the review)

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Notes: As a result of the review an up-dated risk assessment should be completed and recorded.
Parents/carers should always be actively involved in the planning/monitoring and reviewing process.
CYP should always be actively involved. Their level of involvement should be judged by key staff, according to the CYP's age and social/emotional maturity.

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