

Staffordshire County Council Education Service

**Policy on the use of
Restrictive Physical
Interventions
(including restraint)
in mainstream schools**

JULY 2004

Staffordshire
County Council

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How to use this Policy document

One of the principle aims of Staffordshire County Education Service's policy on physical intervention (including restraint) is to support mainstream schools in developing their own policies and procedures.

The policy gives background information and describes the content of a school policy. Senior managers in schools may choose to write their own policy using this framework (appendix 1 to the CCES policy, page 24) as further guidance.

Alternatively, after reading the Education Service's policy, senior managers may choose to use the model school policy, pages 17-22, as their starting point. If this approach is taken, it is essential that staff are engaged in the decision making process. There are choices to be made and examples to be given. Staff will need to agree what fits their school's particular circumstances.

Finally, awareness raising training will be available within each District during autumn 2004. Similar school initiated training will also be available.

Any school wanting further advice and support should contact their District SEN Office.

List of persons giving support

Newcastle - (01782) 297524

Paula Hodson
Lesley Schofield
Jill Jones
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Anne-Marie McBlain
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Alison Lee
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Tony Hill
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Sally Williams
Julia Anderson
Emma Bown
Carole Chasle
Suzi Cresswell
Nicola Evans
Marion Houghton
Claire McGuiggan
Julia Reid
Melissa Drake
Suzanne Bernie

At the present time, District offices will give information about accredited training organisations. They will organise awareness raising training and/or training to support schools in de-escalation and calming approaches in the management of difficult behaviour. Appropriate members of the District team will discuss casework issues.

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PART I

1.0 Purpose of the County Council Education Service policy

- to set clear expectations about the use of physical touch/support;
- to give guidelines about the use of physical interventions with pupils;
- to ensure that schools are aware of the legal issues ;
- to give schools a framework for writing their own policy;
- to protect the interests and well being of children for whom staff have a shared responsibility;
- to protect staff in the fulfilment of their responsibilities to children;
- to protect the County Council Education Service which ultimately has responsibility for the actions of its staff.

2.0 Introduction

The main focus of this document is the use of physical interventions (including restraint) within mainstream schools. It deals with this topic within the context of the use of physical support and touch, more generally. This is a complex area that necessitates the consideration of child protection and potentially even disciplinary and criminal issues.

First, a set of principles is outlined. The document then highlights the legal position regarding the use of physical intervention and gives links to other relevant guidance. It goes on briefly to discuss the use of touch before outlining key features for developing policy and practice on physical intervention within an individual school.

We provide a school policy template, which is also available electronically. Appendices provide a list of relevant documents, a checklist for school policy development, a 'key points' summary sheet for staff, guidance on risk assessment and a sample incident report form.

The following groups are being consulted and their comments taken into consideration during the writing of this policy and guidance for mainstream schools:

- ACPC
- JAC
- JCC
- Headteachers and Governors
- CCES District Officers and Inspectors

3.0 Physical support and intervention

It is important to consider the use of physical intervention within the broader context of the use of physical touch.

Physical touch is an essential part of human relationships. In schools, adults may well use touch to prompt, to give reassurance or to provide support in PE. However, in recent years, the subject of physical touch and, in particular, the use of restrictive physical intervention to control or restrain pupils, has become a focus of concern in mainstream schools. Staff understandably feel uncertain. This document sets out to provide guidance on these issues.

Staffordshire County Education Service endorses the appropriate and professional use of physical touch and support. The County Council Education Service recognises that this may, on very rare occasions, include the use of force to control or restrain pupils, as outlined in Section 550A of DFES Circular 10/98.

The use of any physical contact should always be undertaken with due consideration. In particular, the County Council Education Service does not condone the uncontrolled or unconsidered use of force. Nor does it condone the use of physical intervention as punishment or intimidation.

To use touch/physical support successfully, staff will need to adhere to the following principles. It must:

- be non-abusive, with no intention to cause pain or injury;
- be in the best interests of the child and others;
- have a clear educational purpose (e.g. to access the curriculum or to improve social relationships);
- take account of gender issues.

It is essential that staff are aware of any pupil who finds physical touch unwelcome. Such sensitivity might arise, for example, from the pupil's cultural background, personal history or age. Headteachers should ensure that there is a system in place within their school that enables the sharing of appropriate information.

These ideas have already been recognised and promoted in Staffordshire's policy on the use of physical support in special schools ('Challenging Behaviour and Use of Physical Support in Special Schools and Units'. Published September 1999).

4.0 **Definition(s)**

The term 'Physical Intervention' describes a broad spectrum of actions. Usefully, broad distinctions can be made between:

Non-restrictive physical interventions	Either where the child's movement is not restricted or where the child is held supportively but such that they will be released immediately should they so wish	For example: <ul style="list-style-type: none"> • guiding/shepherding a person from A to B; • use of a protective helmet to prevent self-injury; • removal of a cause of distress.
Restrictive physical interventions	Prevent, impede or restrict movement or mobility. Restraint. To use force to direct.	For example: <ul style="list-style-type: none"> • isolating a child in a room; • holding a pupil; • blocking a person's path; • interpositioning; • pushing/pulling.

and between:

Emergency/unplanned interventions	Occur in response to unforeseen events
Planned interventions	In which staff employ, where necessary, pre-arranged strategies and methods which are based on a risk assessment and recorded in an individual plan for the management of a pupil

This document focuses in the main on the use of restrictive interventions and any interventions that involve the use of force.

5.0 **Principles**

The majority of young people behave well in school. Adults have a responsibility to ensure that this good behaviour is acknowledged and valued.

Most unacceptable behaviour in school is managed through use of the school's system of agreed sanctions.

Staffordshire County Education Service believes that:

- staff should, when appropriate, feel able to use touch to comfort and communicate with pupils. Such use of touch must be done in a professional manner avoiding any possible perception of inappropriate behaviour or even abuse;
- physical interventions should always be used with the intention of supporting a pupil;
- the use of a restrictive physical intervention and, in particular, the use of force to control or restrain, should, whenever possible, be avoided. It is accepted that there are rare occasions when such an intervention will be necessary and appropriate;
- managers should help staff become competent and confident in dealing with children whose behaviour is challenging. Staff need to know when a physical intervention is appropriate and how to carry it out;
- apart from when used in an emergency, physical intervention should be part of a longer term plan which has the aim of helping the child to establish greater self control of their behaviour. It should not be used for the convenience of staff. If it is necessary, pupils should be helped to reflect on and learn from their experience;
- staff should work within a clear school policy framework. They should be given guidance and training appropriate for their particular role within this framework;
- whole school behaviour policies must be in place in order to ensure that a consistent and positive approach is taken towards the general management of pupil behaviour;
- planned physical interventions should be part of a broader individual behaviour plan and not seen in isolation;
- parents/carers should be aware of a school's behaviour policy including that on the use of physical intervention;

- all support given to children should be based on an understanding of the individual child's needs and circumstances;
- the dignity of pupils should always be respected and pupils should never be humiliated.

Even if staff follow local and national guidance, it is possible that a parent may challenge their actions. Staffordshire County Education Service will support those concerned if they have behaved reasonably and if their actions have followed the above principles and other guidance within this document.

6.0 Legal considerations

Any practice in which the civil, legal or human rights of a pupil may be infringed must be fully justifiable. As a result, making a decision about the use of a physical intervention naturally raises anxiety and may lead to a failure to act. However, opting to do nothing is as much a decision as is responding; staff have a duty of care to the children in their charge and in some circumstances, failure to intervene in a situation could be viewed as negligence.

DfES Guidance for schools differentiates between the broader use of physical management of pupils and the use of restrictive physical interventions or restraint. It is the latter for which detailed guidance has been provided through Circular 10/98, particularly Section 550A, and more recently, Guidance on the use of Physical Interventions for Staff Working with Children and Adults who Display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders (July 2002). This very detailed recent guidance was particularly aimed at special school settings, but notes:

'Although not intended to cover all forms of extreme behaviour in all settings, LEAs may wish to bring the principlesto the attention of mainstream schools in their areas.'

Section 550A of the 1996 Education Act allows, "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;
- injuring themselves or others;
- causing damage to 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."

There is, however, no definition of 'reasonable force'. This depends on the particular circumstances of a situation. Circular 10/98 highlights two relevant considerations:

- the use of force can be regarded as reasonable only if 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 and for the shortest amount of time.

Section 550A allows the use of force 'to prevent a pupil from engaging in any behaviour prejudicial to maintaining good order and discipline....'. However, the use of force for this purpose is unlikely to be acceptable educational practice particularly with pupils in KS2 and above. In many cases, the use of force to achieve compliance will exacerbate the problem. Professional advice is that staff are extremely circumspect about using a physical intervention for such a reason.

It is perhaps more possible that limited restraint (e.g. holding a reception child's hand without significant struggle; gently holding them back - again without significant struggle) will be acceptable with some children in KS1. However, it is essential that such action has the child's best interests at heart, that it is not used simply for convenience and that staff have followed the guidance set out in the rest of this document.

Using physical contact to punish a pupil or to cause pain, injury or humiliation is explicitly forbidden (Education Act 1996. Section 548 - 550). Staff are not allowed to restrain pupils:

- out of anger;
- out of frustration.

nor should they act in a way that might reasonably be expected to cause injury.

As already stated, physical intervention generally must not be used for staff convenience. It must be justifiable on the grounds of being 'in the child's best interests'.

Recent Guidance (July 2002, see above) emphasises that all use of force carries a risk, particularly of injury to the pupil or the staff who are intervening. Before intervening, staff should be sure that the risk of not intervening outweighs the risk of intervening. Thus, risk assessment must be a key consideration in any school policy or individual programme planning.

The Guidance also stresses that employers have a duty of care to their employees. Staff should be fully informed about pupils who may require physical interventions and they should receive appropriate training to equip them for dealing with possible incidents or situations involving such pupils.

PART II

7.0 School policy

All schools are required to have a behaviour policy. Linked to this should be the school policy on the use of force to control or restrain pupils; recent guidance suggests that this be described as 'a policy on the use of physical interventions including restraint'. This policy should specifically detail the circumstances when physical interventions may be used and the manner of such interventions.

Details of the sections that should be included in a school's policy are given below. A summary framework is provided as part 3 of this document.

7.1 Introduction and Definitions

It is suggested that schools outline their policy on the use of touch and physical contact in the broader sense to give a context for the specific policy on the use of physical interventions. A school policy should ensure that staff do not feel inhibited in providing physical contact when it is professionally appropriate to do so (see section 3 of this document).

The policy should give clear definitions and descriptions so that staff have a good understanding of what constitutes a physical intervention and in particular a restrictive intervention or restraint. The policy should make it clear that restrictive physical interventions should very rarely be used however it should outline how staff, parents/carers and pupils will be made aware of those circumstances when it may be necessary. It should also outline staff responsibility for being familiar with the policy and for seeking clarification of any issues on which they are unsure.

Issues relating to the use of restrictive physical interventions must be consistent and compatible with other related school policies such as Behaviour, Special Educational Needs, Child Protection and Health and Safety (see Appendix 2 for a full list). A school policy on physical intervention should make those links clear.

7.2 When may a restrictive physical intervention be used?

The main reason for using a restrictive physical intervention is to bring a dangerous situation under rapid control in order to keep people safe. However restraint may increase the risk of injury to both pupils and staff. The school policy should give guidance so that staff can be equipped to make judgements about the relative risks of possible responses (see section 7.6 and appendix 4 for detailed guidance). It is vital that staff do make such a judgment even in an 'emergency' situation. In so doing, it is very important that they bear in mind that whatever the intended outcome, the option of using a physical intervention becomes increasingly inappropriate as the pupil gets older.

Restrictive physical interventions should be avoided wherever possible. They are never a substitute for good pro-active and reactive behaviour management. School policies should require staff to show that other methods of managing an incident had been attempted if a restrictive physical intervention has been used. In some circumstances, there may be sound reasons for this not happening, for example, immediate risk of injury to the pupil or others.

School policies should specify the circumstances in which a restrictive physical intervention may be used:

- to prevent a pupil causing injury to themselves or others;
- to prevent damage to property.

It will also be helpful to outline the different reasons that a physical intervention may be used:

- to break away or disengage from dangerous or harmful physical contact, for example, if a pupil has grabbed your arm in a threatening manner;
- to separate a person from a 'trigger', for example, by removing one pupil who responds to another with physical aggression;
- to protect a pupil from a dangerous situation - for example, the hazards of a busy road or from injuring themselves or others.

All of the above are intended outcomes that would be deemed to be 'in the child's best interests' (The Children Act 1989).

In addition, it will be important to describe circumstances in the school when it will be permissible, if at all, to use physical intervention because a pupil 'is engaging in any behaviour prejudicial to maintaining good order and discipline.....'. As already stated, such circumstances are expected to be rare.

It is important to distinguish between planned interventions and emergency or unplanned use of force that may be used in response to unforeseen events.

When it is known that an individual pupil may need to be restrained, the school should carry out a risk assessment and develop an individual plan. Such plans need to be shared with parents/carers and may need to be discussed with medical colleagues, if the child has health or physical difficulties. A school policy should specify the procedures for this.

In the case of pupils attempting to abscond from school premises, staff should only use restraint if the pupil is placing themselves at risk by doing so. Under the Human Rights Act 1998, it is generally an offence to restrict an individual's liberty. However, in order to exercise 'Duty of Care', it may be reasonable to prevent a pupil from leaving school if their emotional state or developmental level suggests that they would pose a risk to themselves by leaving. Schools may therefore wish to explain this in their policy.

Although a situation may warrant a restrictive physical intervention, it may be unwise for staff to intervene without support. Staff should not feel obliged to intervene against their better judgement. In these circumstances, staff should take appropriate steps to minimise risks. For example, they could decide to remove other pupils who are at risk and summon assistance. Thus, school policies need to include procedures for how staff can summon assistance or seek support. They should also describe the circumstances in which police assistance would be summoned.

7.3 **Who may use restrictive physical intervention?**

Everyone has a personal right to use reasonable force to prevent an attack against themselves or others whether they are formally authorised or not. In such circumstances, an individual should be clear that there is an immediate risk and that other options have been exhausted.

Under all other circumstances, only teachers and staff who have been specifically authorised by the headteacher, may use restrictive physical interventions. This applies equally to situations where pupils are off-site but subject to the authority of the school. Thus, school policies should specify who has been given that authorisation or where that information can be found. Policies should also specify procedures to be followed for those staff who are not authorised to physically intervene - for example, how to summon assistance when it is needed.

Headteachers are able to give school support staff, visiting support staff and volunteers authorisation to use physical interventions and this can be time limited e.g. for the duration of a school trip. Schools need to have clear procedures for granting such authorisation and all staff need to be fully informed of the policy and their responsibilities within that policy. Parents/carers too should be informed of any arrangements which could affect their child(ren).

The Headteacher has a responsibility for informing visiting support staff about the school policy and any plans for individual pupils.

All staff should also be aware that they have a responsibility for their own health and safety. Thus when taking decisions about how to respond, they should not place themselves at unreasonable risk.

7.4 **Place of physical intervention within broader behavioural planning**

As noted earlier, the use of restrictive physical interventions can be planned or unplanned. Thus the requirements for each should be described.

Unplanned interventions occur when unforeseen situations have arisen. Unplanned interventions should be rare. Pupils involved may not have an Individual Plan or Pastoral Support Programme, however an unforeseen incident which has required the use of a restrictive physical intervention, should always trigger analysis and planning to determine the risk of reoccurrence and the strategies to be employed in such circumstances. All such incidents should be recorded, parents or carers informed (see section 7.7) and immediate steps taken to arrange for analysis and planning.

Pupils who have been subject to a physical intervention, should be given the opportunity to comment on the action taken and be involved in planning for future management of their behaviour. Thus planning should involve both parents/carers and pupils.

Planned interventions may be part of a wider, Individual Plan or Pastoral Support Programme. As such, the child and parents/carers should be involved in the planning and review of agreed strategies. Individual plans should specify the type of physical interventions that may be used and under what circumstances. In particular, plans need to address:

- management of the pupil (e.g. strategies to de-escalate conflict, the form of words or actions that are most likely to calm, what physical interventions may be appropriate for use and that have been agreed);
- the involvement of the pupil and their parents/carers in developing the plan to ensure that all parties are clear about what action may be taken and why;

- staff awareness of the plan and their part in it (this may include specific training for staff most likely to be involved) including how to summon additional support;
- ensuring that the individual needs of the pupil are taken into account, including physical/health needs.

When pupils transfer, there is a responsibility on the previous school, to provide relevant information. This will assist the receiving school in carrying out a risk assessment and in planning for that pupil.

7.5 **The range of interventions : how may pupils be restrained?**

The majority of schools are likely to use restrictive physical interventions rarely. Despite this, school policies should provide adequate guidance on the way in which pupils may, when necessary, be restrained.

Any restrictive physical intervention must be consistent with the concept of reasonable force. As noted above, this will be context specific. Key points are that:

- the circumstances must warrant the use of force;
- the degree of force employed must be in proportion to the circumstances of the incident and the minimum to achieve the desired result.

General principles of good practice indicate that staff should:

- use the minimum amount of force for the minimum amount of time;
- avoid causing pain or injury;
- avoid holding or putting pressure on joints;
- in general hold long bones;
- not hold a pupil face down on the ground or in any position that might increase the risk of suffocation.

During an incident, communication with the pupil is vital and should generally include an appropriately given caution that a restraint may be necessary. Ongoing monitoring of the child and maintaining communication with the child throughout an incident, should ensure that risks of injury to the child are minimised.

Usually, these principles will be sufficient, however, there may be circumstances where more specific training or guidance on interventions may be required. These include:

- when planning for pupils with known needs whose management may require the use of restrictive physical interventions;
- where key staff take responsibility for any necessary physical interventions and therefore require a higher level of expertise;
- where staff are concerned for their own safety and require guidance on self-protection or disengagement techniques.

School policies should therefore specify the way in which they will audit, address and monitor their training needs.

There are many providers of training on physical interventions. To provide quality assurance, a national scheme has been launched by B.I.L.D (British Institute of Learning Disabilities). This scheme accredits trainers. Special school staff in Staffordshire are trained in such an accredited scheme (Strategies for Crisis Intervention and Prevention, more commonly known as 'SCIP'). This programme is endorsed by the CCES and is provided by in-County instructors.

At the present time, mainstream schools do not have full access to an equivalent training programme endorsed by the CCES. However, schools requiring advice about physical intervention training should contact their District SEN Office. Training on other behaviour management issues can be accessed through this office and/or through QLS.

7.6 **Risk Assessment**

School policies should outline their risk assessment process, reference relevant proforma and specify the associated recording of information emerging from the risk assessment process. As well as the information below, Staffordshire CCES has issued specific guidance on the risk assessment process that is contained in the appendices. This should be consulted when drawing up school policies.

Whenever it is foreseeable that a pupil may require a restrictive physical intervention, a 'risk assessment' should be carried out to identify benefits and risks. For some youngsters, with whom other agencies are involved, school risk assessment will need to be informed by multi-agency assessment information. Such information can be accessed by.....

A decision to plan for the use of restrictive physical interventions will be based on agreement that the risks associated with not intervening are greater than the risks of intervening. This will ensure that individual plans have minimised the risk to pupils and staff.

Unplanned restrictive physical interventions, by their nature, will not follow a detailed risk assessment. However, staff should still have made an immediate professional judgement based on their appraisal of the situation. They must remember that the use of a physical intervention without detailed planning significantly increases risks to all concerned.

Headteachers should consider whether or not the use of restrictive physical interventions has 'caused or put a child at risk of significant harm'. If so, they should act appropriately (see Section 7.7).

There are three main areas of risk to consider:

- risks to the pupil
 - unnecessary use where other less intrusive methods could achieve the desired outcome;
 - injury (even though occasionally the appropriate use of restraint may result in an injury);
 - pain, distress or psychological trauma;
 - physical interventions becoming routine rather than exceptional;
 - increase of risk of abuse;
 - undermining of dignity, humiliation or degradation;
 - undermining of personal relationships, creation of distrust.

- risk to the staff involved
 - injury;
 - distress or psychological trauma as a result;
 - perception or accusation of abuse resulting in disciplinary action or litigation;
 - legal challenge of reason for using physical intervention.
- risks associated with non intervening
 - breach of duty of care;
 - injury or abuse of pupils or staff;
 - serious damage to property;
 - possibility of litigation in respect of the above.

The purpose of a risk assessment is to establish which potential risks are acceptable, which can be managed and which are unacceptable. Planning should then occur to determine *how* the risks will be managed and minimised and what needs to be done to achieve this. A risk assessment may highlight school issues (e.g. the availability of, and access to, additional support) as well as more individual issues (e.g. training needs).

7.7 **What to do after the use of a restrictive physical intervention**

Schools should ensure that their policy includes specific procedures for recording and analysing any incidents that result in a restrictive physical intervention. The procedures should also detail how any necessary support is given to those who have been involved.

After the use of an unplanned restrictive physical intervention, the following steps should be taken.

- details of the incident should be recorded by all adults involved *immediately* on the attached proforma. This should be signed and dated. Staff should keep a copy of the form for their own reference. A record should also be made in an incident book with numbered pages reserved for that purpose. The two records should be cross-referenced;
- witness statements should be completed as soon as possible. Recording should be done, if possible, within 12 hours of the incident to ensure that it is contemporaneous. Again these statements should be signed and dated with copies made and kept as above;
- staff should be offered the opportunity to seek advice from a senior colleague or professional representative when compiling their report;
- any injuries suffered by those involved will need to be recorded following normal school procedures;
- headteachers must check that there is no cause for concern regarding the actions of adults involved in the use of a physical intervention. If it is felt that an action has 'caused or put a child at risk of significant harm' the headteacher must follow the ACPC guidance on Child Protection (i.e. contacting Social Services and the Police). In such circumstances, they will also need to consider disciplinary procedures for the staff involved. Guidance and support in such circumstances is available through the school's District Education Officer or from the CCES's designated child protection officer;

- parents/carers must be informed on the day of the incident. If this is initially done by phone, it should be followed up in writing. This will help to minimise the likelihood of parental complaints. Parents/carers must be offered the opportunity to discuss any concerns that they may have regarding an incident;
- headteachers should tell parents/carers if they are investigating the possibility of inappropriate use of physical intervention. Suggested format being - 'There has been an incident involving your child...I am not satisfied with the explanations given and am investigating';
- support should be provided for those who have been involved in any incident involving restrictive physical interventions. In some circumstances, staff may need post incident support or a form of debriefing. Pupils may need this too. It should be recognised that such support may be required at different times. In some situations, individuals may need immediate help. In other circumstances, it may be necessary to provide the support later. Schools should decide who will take responsibility for establishing the type and timing of any post incident support required;
- arrangements need to be made for post-incident planning for the pupil involved. This planning should be based on a risk assessment.

Following the use of a planned physical intervention, the above steps should be taken but with the modifications below:

- recording arrangements will have been agreed as part of the planning process. Recording must still be done, if possible, within 12 hours of the incident to ensure that it is contemporaneous and serious incidents should still be recorded in an incident book reserved for that purpose;
- parents/carers must be informed in line with the arrangements agreed during planning. For pupils who may be requiring physical support on a more regular basis, it may be appropriate to have an ongoing system of feedback to parents/carers, for example, through a home school diary or weekly contact. All incidents should still be clearly recorded (within 12 hours), however, and where appropriate (for example, if a more serious incident has occurred), immediate feedback given to parents/carers;
- recording systems should be used to analyse patterns of behaviour and so decide whether responses are being effective in managing and improving behaviour and in ensuring that the best interests of pupils and staff are being served;
- the headteacher should report on this information to the Governing Body.

The use of physical interventions, whether planned or unplanned, can be a very stressful experience for all concerned. The steps outlined above will ensure that schools are aware of these effects and plan appropriate support in response.

In addition, the use of a physical intervention can raise questions about the appropriateness of staff actions. A thorough record that shows that the school's procedures were followed carefully will act as a useful aid to staff who are later questioned. Incomplete or missing records, or evidence that procedures were not followed, could leave a person vulnerable to complaint or allegation.

7.8 **Complaints procedures**

Schools who have a clear policy on the use of physical intervention are less likely to find their actions and judgements questioned. Communication of the policy to staff, pupils and parents/carers along with constructive relationships will also help.

However, given the complexity of the issues raised by physical interventions and the emotional aspect of its use, there may be times when concerns and complaints are raised. The school policy should detail the procedures that should be followed in such circumstances. These procedures should first consider whether or not it would be appropriate to follow ACPC guidance on child protection. If not, the school's Governing Body should deal with the complaint. The County Council's complaints procedure is available as a final avenue for a complainant to take.

Model School Policy on Restrictive Physical Intervention

Policy for Restrictive Physical Intervention in [.....] school.

The school should add its own text wherever there are italics or square brackets.

School Values and Policies

A statement about the school's aims, values, principles related to pupil well being (physical, social and emotional). This will be the statement(s) underpinning other school policies.

The school behaviour policy outlines how staff at [.....] school create and maintain good order and relationships through positive approaches. These approaches are successful for the vast majority of the time. This policy on the use of restrictive physical interventions supplements the main behaviour policy. Both should be read in conjunction with the school SEN policy, the Health & Safety policy, and the Child Protection policy.

Purpose of this policy

This policy aims to give all members of the school community clear guidance so that any physical intervention that they undertake is carried out in a way that supports the values and principles described above. In particular, it aims to describe the circumstances in which restrictive physical intervention is an appropriate response and how staff at school will fulfil their responsibilities in those circumstances.

The *headteacher* will be responsible for ensuring that staff and parents are aware of the policy. He/she will ensure that any necessary training/awareness-raising takes place so that staff know their responsibilities.

Physical touch

The staff at [.....] school believe that physical touch is an essential part of human relationships. In our school, adults may well use touch to prompt, to give reassurance or to provide support in PE.

To use touch/physical support successfully, staff will adhere to the following principles. It must:

- be non-abusive, with no intention to cause pain or injury
- be in the best interests of the child and others
- have a clear educational purpose (e.g. to access the curriculum or to improve social relationships)
- take account of gender issues

At our school [*name of member of staff*] is responsible for ensuring that relevant staff are aware of any pupil who finds physical touch unwelcome. Such sensitivity may arise from the pupil's cultural background, personal history, age etc.

What do we mean by 'physical intervention'?

It is helpful to distinguish between:

Definition	Example	
Non-restrictive physical interventions. (As already stated touch/physical contact is a small but important and natural part of teacher-pupil relationships in our school).	Either where the child's movement is not restricted or where the child is held supportively but such that they will be released immediately should they so wish	For example: <ul style="list-style-type: none"> • guiding/shepherding a person from A to B • use of a protective helmet to prevent self-injury • removal of a cause of distress
Restrictive physical interventions	Prevent, impede or restrict movement or mobility. Restraint. To use force to direct.	For example: <ul style="list-style-type: none"> • isolating a child in a room • holding a pupil • blocking a person's path • interpositioning • pushing/pulling

and between:

Emergency/unplanned interventions	Occur in response to unforeseen events
Planned interventions	In which staff employ, where necessary, pre-arranged strategies and methods which are based on a risk assessment and recorded in an individual plan for the management of a pupil

When is restrictive physical intervention permissible at [_____] school?

Restrictive physical intervention is rarely used at [_____] school. However, it will be necessary when its aim is to prevent a pupil injuring themselves or others (For example, pupils playing in a dangerously rough manner) or to prevent them damaging property (For example, pupils throwing a heavy object at/near to expensive computer equipment). [Section 550A, DFES Circular 10/98].

Further examples appropriate to the school should be written and included in the light of the guidance given in the LEA policy and after staff discussion.

Section 550A also allows the use of force 'to prevent a pupil from engaging in any behaviour prejudicial to maintaining good order and discipline....'. However, the use of restrictive physical intervention for this purpose *is acceptable only in rare circumstances / is not acceptable* at [] school.

If physical intervention for this purpose is to be permitted, it is important that examples of the rare circumstances that would justify it are given here.

Risk assessment

The use of a restrictive physical intervention will be the outcome of a professional judgement made by staff on the basis of this school policy. It is avoided whenever possible and will not be used for staff convenience.

Restrictive physical intervention will *only* be considered if other behaviour management options have proved ineffective or are judged to be inappropriate (or in an emergency situation?). Before deciding to intervene in this way, staff will weigh up whether the risk of not intervening is greater than the risk of intervening. Any actions will be carried out with the child's best interests at heart. Physical intervention will never be used to punish a pupil or cause pain, injury or humiliation. Guidance on this and more formal risk assessment is given in the CCES policy on risk assessment.

Staff are not expected to intervene physically against their better judgement nor are they expected to place themselves at unreasonable risk. In such circumstances, they must take steps to minimise risks. For example, by removing other pupils and calling for assistance.

Who may use restrictive physical interventions?

In this school all teachers are authorised. In addition, a list will be attached to this policy of non-teaching support staff who are also authorised. The headteacher will ensure that those on this list are aware and understand what is involved. The headteacher will review this list *termly* to ensure that it is up to date.

Supply staff will not be authorised to use restrictive physical interventions except if they have been specifically authorised by the headteacher.

Parents and volunteers in the school are not given authorisation. Staff from the local education authority may have their own policies about the care and control of pupils but, whilst on the premises, they will be expected to be aware of, and operate within, the policy of this school. This means that visiting staff will need to ask the headteacher for authorisation.

How staff at [] school might intervene

When a restrictive physical intervention is justified, staff will use 'reasonable force'. This is the degree of force 'warranted by the situation'. It will 'be proportionate to the circumstances of the incident and the consequences it is intended to prevent'. Any force used will always be the minimum needed to achieve the desired result and for the shortest amount of time.

Staff will:

- use the minimum amount of force for the minimum amount of time;
- avoid causing pain or injury; avoid holding or putting pressure on joints;
- in general hold long bones.
- *never* hold a pupil face down on the ground or in any position that might increase the risk of suffocation.

During an incident the member of staff involved will tell the pupil that his or her behaviour may be leading to restraint. This will not be used as a threat or said in a way that could inflame the situation. Staff will not act out of anger or frustration. They will try to adopt a calm, measured approach and maintain communication with the pupil at all times.

*Examples, appropriate to the school, of acceptable restrictive physical intervention should be discussed, agreed and included here. It may also be helpful to give examples of actions that are **unacceptable**.*

In an emergency, staff must summon assistance by *[outline who should be summoned and how]*.

The place of restrictive physical intervention within broader behavioural planning

If, through the school's special needs assessment procedures, it is determined that a restrictive physical intervention is likely to be appropriate to help a pupil make progress, a risk assessment will be carried out following the school's guidelines.

If appropriate, an individual management plan will then be drawn up for that pupil. This plan will aim to reduce the likelihood of the need for restrictive physical intervention as well as describing how such intervention will be carried out. This plan will be discussed with parents/carers. When it involves the use of a restrictive physical intervention, medical colleagues will be consulted.

Before the plan is implemented, any necessary training or guidance will be provided for the staff involved. The *headteacher* will be responsible for establishing staff needs and for organising necessary training.

What to do after the use of a restrictive physical intervention

After the use of an unplanned restrictive physical intervention, the following steps will be taken.

- details of the incident will be recorded by all adults involved *immediately* on the attached form. A copy will be sent to the CCES 'Health & Safety' department.
- recording will be completed within 12 hours whenever possible. Staff will be offered the opportunity to seek advice from a senior colleague or professional representative when compiling their report.
- any injuries suffered by those involved will be recorded following normal school procedures.
- the headteacher will check that there is no cause for concern regarding the actions of adults involved. If it is felt that an action has 'caused or put a child at risk of significant harm' the headteacher will follow the school's child protection procedures and also inform parents/carers.
- parents/carers will be informed by *the headteacher* on the day of the incident. If this is initially done by phone, it will be followed up in writing. Parents/carers will be offered the opportunity to discuss any concerns that they may have regarding an incident.
- Support/debriefing will be available for adults and pupils who have been involved in any incident involving restrictive physical interventions. This will be provided by *headteacher*.

Arrangements for recording and informing parents in the case of a planned restrictive intervention will be followed as agreed beforehand but broadly will follow the same pattern as above.

The *headteacher* will use the records kept to analyse patterns of behaviour and so decide whether responses are being effective. The headteacher will report on this information to the Governing Body *annually*.

Complaints procedure

Any complaint will first be considered in the light of the school's child protection procedures, following ACPC guidance. If child protection procedures are not appropriate, the school's complaint procedures will be followed.

Appendices

APPENDIX 1

SCHOOL POLICY FRAMEWORK

INTRODUCTION

- Specify the links between this policy and your school's SEN policy, Behaviour policy, Child Protection & H&S policies.
- Outline your broad policy on the use of touch and physical contact including how staff will be informed if there are particular pupils for whom any physical contact could be a particularly sensitive issue.
- Give your definition of a physical intervention and a restrictive physical intervention.
- State how staff will be kept familiar with the policy and their responsibilities.
- Describe how parents will be informed about this policy.

WHEN RESTRICTIVE PHYSICAL INTERVENTION MAY BE USED

- Specify the circumstances in which a physical intervention may be used giving examples for clarity.
- Distinguish between planned and emergency interventions.
- Give guidance to help staff make informed judgments in difficult situations.
- Explain how staff should respond if they feel it is unwise for them to use restrictive physical intervention in a situation which requires it (ie. ensure the safety of pupils and seek help).
- Highlight the importance of risk assessment.
- Describe the circumstances in which it would be appropriate to contact the police.

WHO MAY USE RESTRICTIVE PHYSICAL INTERVENTION

- Specify which staff may use restrictive physical interventions and how this may be used.
- Outline information and procedures for visiting staff.

THE USE OF RESTRICTIVE PHYSICAL INTERVENTIONS WITHIN BROADER STRUCTURAL PLANNING

- Outline procedures for the follow up to an unplanned restrictive physical intervention including risk assessment and informing parents.
- Outline procedures for drawing up and implementing an individual plan with a physical intervention.
- Indicate how planning will involve parents/carers and the pupil.
- Describe how staff can access support.

THE RANGE OF INTERVENTIONS : HOW MAY PUPILS BE RESTRAINED?

- Give guidance on the meaning of 'reasonable force' with examples of both 'reasonable ' and 'unreasonable'.
- Specify principles of good practice when using restrictive physical interventions.
- Outline procedures for identifying and meeting the training needs of staff.

RISK ASSESSMENT

- Outline your school's risk assessment process [see Appendix 4], staff responsibilities within it, when it will be used and how it will inform planning.

WHAT TO DO AFTER THE USE OF A RESTRICTIVE PHYSICAL INTERVENTION

- Specify procedures for recording any incidents involving the use of restrictive physical interventions (planned or unplanned).
- Name which member of staff has a responsibility for ensuring parents are informed.
- Give information about how post incident support is provided for staff and pupils.
- Outline how the headteacher will monitor the use of restrictive physical intervention, take appropriate follow up action and report information to Governors.

COMPLAINTS PROCEDURE

- Detail your school's complaints procedure.

APPENDIX 2

Links to other relevant documents

- Circular 10/98 particularly Section 550A
- Staffordshire ACPC procedural handbook
- Circular 10/95. 'Protecting Children from Abuse: The Role of the Education Service'. (About to be replaced)
- Health and Safety: Managing Violence against Staff
- LEA manual handling policy
- Risk Management in Educational Establishments
- Education Act 1996. Section 550A
- Education Act 2002. Section 275
- Joint DfES and Department of Health 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. July 2002
- DfES Guidance on the use of restrictive physical interventions for pupils with severe behavioural difficulties

APPENDIX 3

KEY POINTS FOR TEACHERS

Physical touch

Physical touch is an essential part of human relationships. In school, adults should feel able to use touch for professionally appropriate reasons. For example, to prompt, to give reassurance, to provide support in PE. However, any touch must:

- be non-abusive with no appearance of indecency or intention to cause pain or injury.
- be in the best interests of the child and others.
- have a clear educational purpose.
- take account of gender issues.

You **must make yourself** aware of any pupil who might find physical touch unwelcome. Such sensitivity may arise from the pupil's cultural background, personal history, age etc.

Your school's policy

On any day, you may find yourself in a situation where you have to make a snap judgment about whether to make a physical intervention or not. So it is very important that you are familiar with your school's policy on its use. You may wish also to read the County Education Service's guidance. **Ask for clarification and/or more advice if you feel unsure.**

Who can use restrictive physical interventions?

Whether they are formally authorised or not, all staff have the right to use reasonable force to defend themselves and others from an attack and to prevent immediate risk of injury to themselves or others. Restrictive physical intervention can be used *in certain other circumstances* (see below) by any of the school's teachers and by other staff, *if specifically authorised by the headteacher*.

What is a restrictive physical intervention?

The term restrictive physical intervention covers a wide range of actions that prevent, impede or restrict movement or mobility or use force to direct. For example: isolating a child in a room; holding a pupil; blocking a pupil's path; inter-positioning between pupils; pushing and/or pulling a pupil. It can be a planned or an emergency, unplanned action.

In what circumstances can a restrictive physical intervention be used?

The use of a restrictive physical intervention should be very rare. It should be avoided whenever possible and must not be used for staff convenience. It must be justifiable as 'being in the child's best interests'.

Restrictive physical intervention is allowed, and most obviously justified, when its aim is to prevent a pupil injuring themselves or others (e.g. by playing in a dangerously rough manner) or to prevent them damaging property (e.g. throwing a heavy object at/near to expensive computer equipment). [Section 550A, DFES Circular 10/98]. Such an intervention is also allowed when its aim is 'to prevent a criminal offence'.

A pupil absconding can only be restrained if they are putting themselves at significant risk by leaving school.

Section 550A allows the use of force 'to prevent a pupil from engaging in any behaviour prejudicial to maintaining good order and discipline....'. However, **the use of force for this purpose is unlikely to be acceptable educational practice particularly with pupils in KS2 and above**. In many cases, the use of force to achieve compliance will exacerbate the problem. You should be extremely circumspect about using a physical intervention for such a reason. Most attacks on staff are triggered by a member of staff initially touching the pupil.

It is more possible with a KS1 child that limited restraint (e.g. holding a reception child's hand without significant struggle; gently holding them back - again without significant struggle) will be appropriate and acceptable. However, it is essential that such action has the *child's best interests at heart* and that it is not used simply for convenience.

The use of a restrictive physical intervention becomes increasingly inappropriate with older pupils.

Making a judgement about whether or not to intervene physically

Restrictive physical intervention should *only* be considered if other behaviour management options have proved ineffective or are judged to be inappropriate. Before deciding to intervene, you should weigh up whether the risk of not intervening is greater than the risk of intervening. Any intervention should be carried out with the child's best interests at heart. Physical contact must not be used to punish a pupil or cause pain, injury or humiliation.

Guidance on this and more formal risk assessment should be given in your school policy. However, in the end, to intervene physically or not will be a professional judgment. It will be easier to make and justify that judgement if you are fully familiar with your school's policies and risk assessment procedures.

Whatever, you should not feel obliged to intervene against your better judgement. You should not place yourself at unreasonable risk. In such circumstances, you should take steps to minimise risks. For example, by removing other pupils and calling for assistance.

Making a plan

If you are concerned that a situation may arise with a pupil that requires a restrictive physical intervention, you should carry out a formal risk assessment following the school's guidelines. If appropriate, an individual management plan should then be drawn up for that pupil. This plan should aim to reduce the likelihood of such a situation arising as well as how to deal with it if it does. Such a plan should be discussed with parents/carers. If it involves the use of a restrictive physical intervention, medical colleagues should be consulted. You should receive any necessary guidance or training *before* you implement such a plan.

What you should do in a restrictive physical intervention

When a restrictive physical intervention is justified, you can use 'reasonable force'. This is the degree of force 'warranted by the situation'. It should 'be proportionate to the circumstances of the incident and the consequences it is intended to prevent'. Any force used should always be the minimum needed to achieve the desired result and for the shortest amount of time, (for example, it would be unacceptable forcefully to drag or pull a pupil when they had refused to leave the room).

If restrictive physical intervention is to be used, you should: use the minimum amount of force for the minimum amount of time; avoid causing pain or injury; avoid holding or putting pressure on joints; in general hold long bones. You should *never* hold a pupil face down on the ground or in any position that might increase the risk of suffocation.

During an incident you must caution the pupil that his or her behaviour may be leading to restraint but this should not be used as a threat or said in a way that would inflame the situation. You must not act out of anger or frustration. It is important to adopt a calm, measured approach and maintain communication with the pupil at all times.

You should be aware of how to summon assistance in an emergency.

After an incident

All incidents of restrictive physical intervention should be reported and recorded as soon as possible, following the school procedures. Witnesses should make statements as well as the direct participants. Parents/carers should be informed, again by following the school procedures. You may wish to seek advice from your professional association.

After an incident you should seek/receive debriefing support. Similarly the pupil involved should be given such support.

Risk Assessment

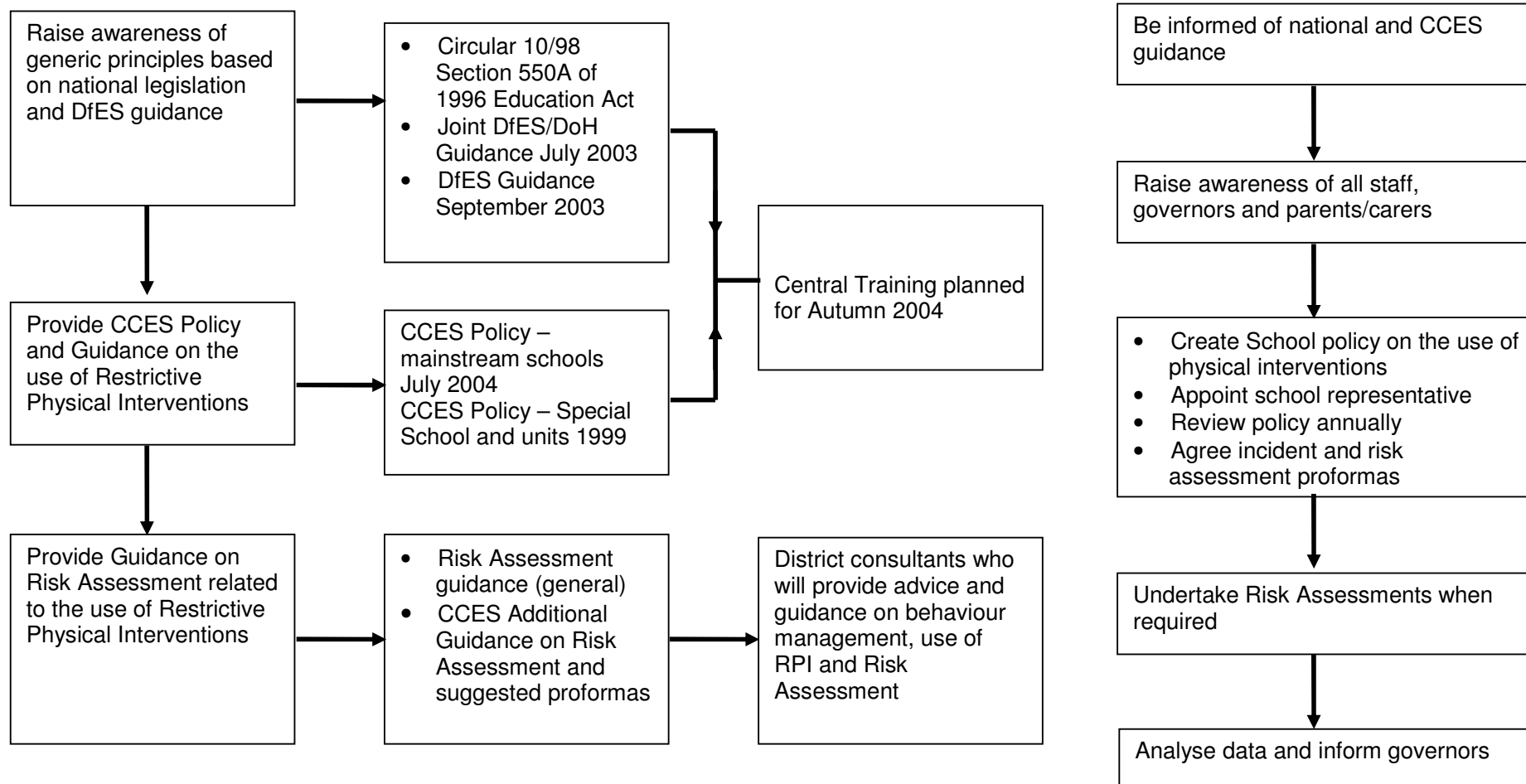
Education Service Responsibilities

Whole School Responsibilities

Actions

Relevant Documents

Training & Support



IMPORTANT NOTE

Behaviour Support Co-ordinators/Assistants provide practical advice. They do not have the established relationship with the pupil to be expected to use physical management. To do so would require written authorisation from the Headteacher.

UNFORESEEN RISKS ~ Risk Assessment Process

Pupils sometimes present challenging behaviour that poses previously unforeseen risks to themselves or others

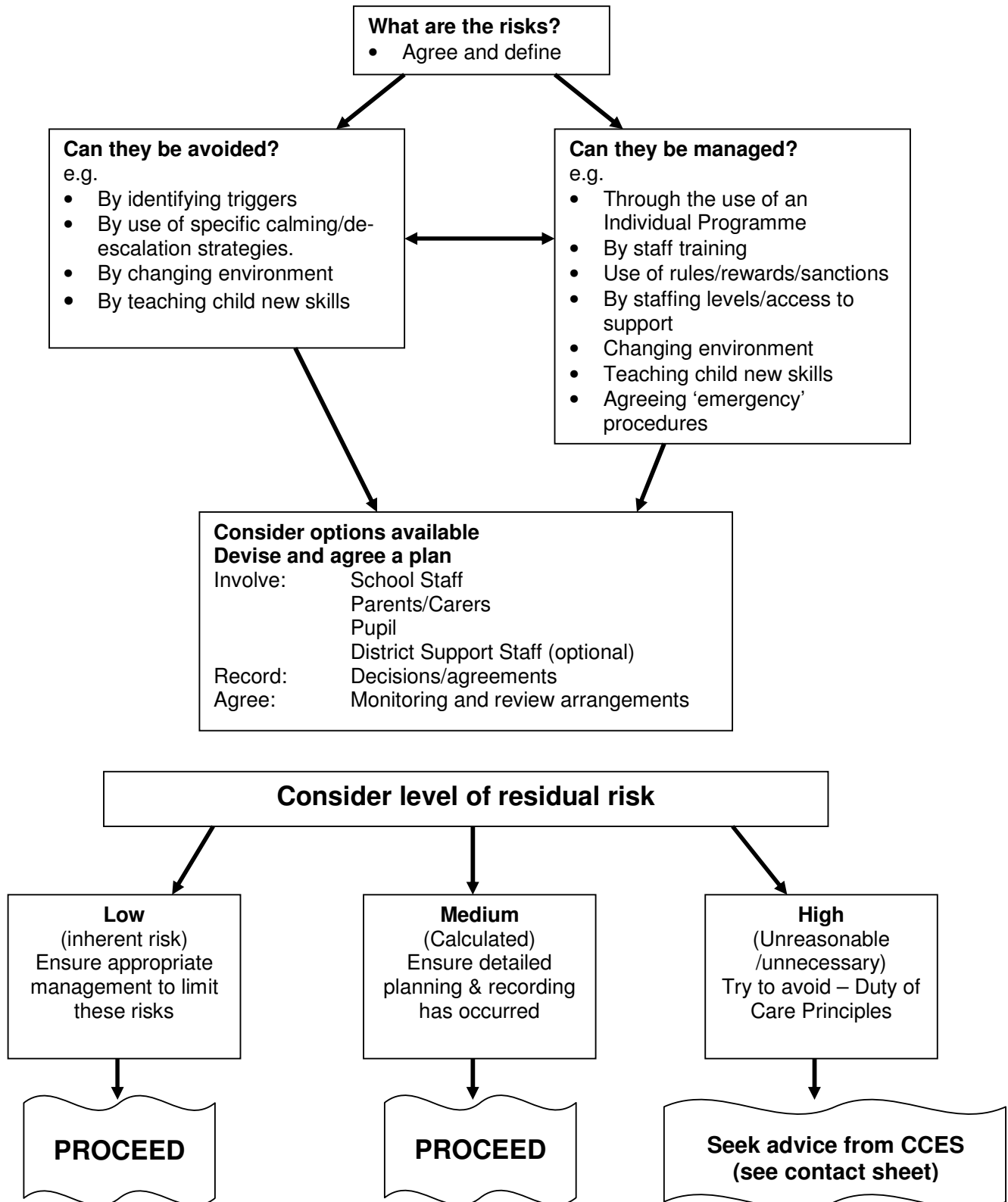
Unforeseen risk assessment and management may require rapid decision making. If so:

1. Consider any risks to pupils, staff and environment.
2. Consider options available for management of the risks (think policies, procedures, the law).
3. Remember that the use of unplanned physical intervention carries a higher risk than that of planned physical intervention (risks include – injury to self/pupil; disciplinary procedures; litigation). Avoid if at all possible.
4. Take reasonable action to support and safeguard people you work with (Duty of Care).
5. Report and record risks presented, decisions made and actions taken (see incident form).
6. Decide if the risk is likely to recur. If so refer for risk assessment and management.

FORESEEN RISKS ~ Risk Assessment Process

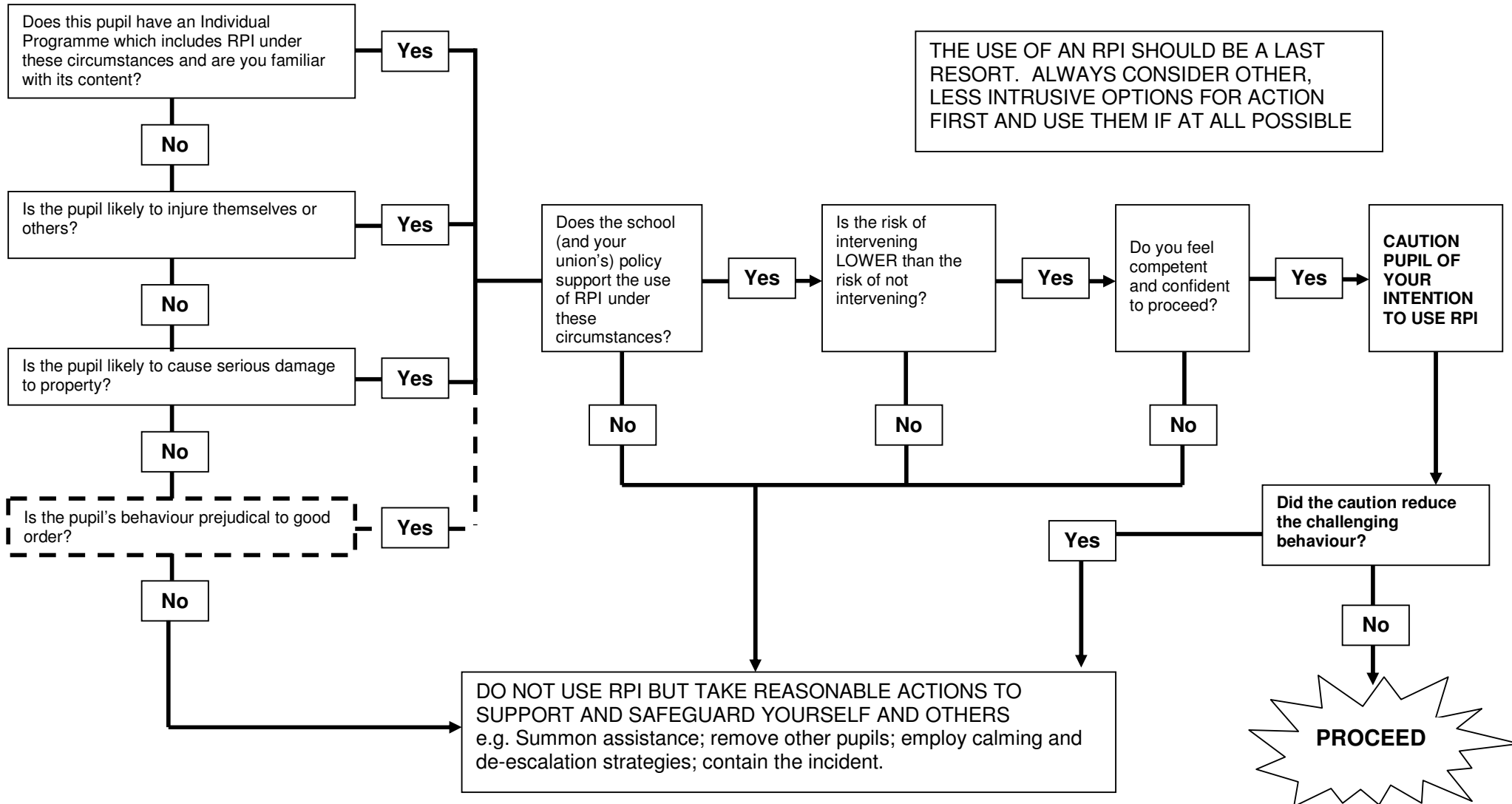
Where risks are foreseen, they should be examined and decisions made about strategies to reduce and manage them.

SEE RISK ASSESSMENT PROFORMA FOR ADDITIONAL GUIDANCE



Risk Assessment and the use of Restrictive Physical Interventions

Using a restrictive interventions carries increased risks. Use is also covered by legal guidance and DfES advice. Questions to consider BEFORE using a Restrictive Physical Intervention (RPI):



Actions to take after the use of RPI

After using a Restrictive Physical Intervention, the following actions should be taken.

Actions to take after the use of RPI

1. Inform others
 - Headteacher/SMT
 - Parents/Carers
 - Union

2. Record what happened
 - Risks presented
 - Decisions made
 - Actions taken
 - Effects of actions

3. Seek post-incident support
 - For self
 - Pupil
 - Others

4. Repair and rebuild relationships which may have been affected during the incident.

5. Initiate/carry out a Risk Assessment.

Risk Assessment Proforma

Pupil Name:	Date of Birth:	Age:
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Nature of Behaviour: (What? When? How?)

Frequency: (Be specific. Support with available data)

	Nature of risk	Degree of risk*		
		Severity / Intensity A	Frequency / likelihood B	Overall level of risk AxB
To the pupil				
To others (specify who)				
Property				

(Reference Policy document over)

Either rate: * Low (L) Med (M) High (H) or use CCES numerical ratings (see

Risk Reduction Options

Are the following in place?

	Information attached
Individual Behaviour Plan or Pastoral Support Plan	
Staff Training / Information	
Staffing / access to support	

Options	Benefits	Drawbacks

Risk Assessment Proforma (cont'd)

Agreed strategies, actions and procedures for managing risks

Focus of measures	By whom?

STOP! Are the strategies REASONABLE and PROPORTIONATE to the risks presented by the behaviour?

Level of Residual Risk (i.e. after risk reduction options have been agreed)

	Nature of risk	Degree of risk*		
		Severity Intensity A	Frequency / likelihood B	Overall level of risk AxB
To the pupil				
To others (specify who)				
Property				

Either rate: * Low (L) Med (M) High (H)
or use CCES numerical ratings (below)

Low (Inherent / acceptable risk)	Medium (Calculated)	High (Unreasonable / unacceptable)
Ensure appropriate management to limit these risks	Ensure detailed planning and recording has occurred	Try to avoid – Duty of care principle – Seek advice from CCES

Review date:

Consultation and agreement:

	Staff		
Consulted			
Agreed			

CCES Numerical Rating:

Hazard Ratings (A)	1=Minor Injury	Likelihood (B)	2=Unlikely	Risk Priority (C)	12-30=High
	2=Major Injury		4=Occasional		6-12=Medium
	5=Death		6=Probable		2-4=Low

<p style="font-size: 1.2em; margin: 0;">_____ SCHOOL</p>		
<p>INCIDENT FORM – USE OF PHYSICAL INTERVENTION</p>		
<p>1. GENERAL DETAILS</p>		
CLASS: _____	TERM: _____	NUMBER: _____
DATE: _____		
NAME(S) OF PUPILS INVOLVED: _____		
LOCATION: _____		TIME: _____
WITNESSED BY: _____		
<p>Adults: _____</p> <p>Pupils: _____</p>		
STAFF WRITING THIS REPORT: _____		
REPORTED TO HEAD/DEPUTY (DELETE): _____		(Date/time)
FORM RETURNED: _____		(Date/time)
<p>2. DESCRIPTION OF THE INCIDENT (WHAT HAPPENED?)</p>		
<i>Who was involved? Focus of incident</i>	<i>Nature of incident</i>	<i>Effects</i>
Pupil to pupil <input type="checkbox"/>	Verbal abuse/outburst <input type="checkbox"/>	Disruption <input type="checkbox"/>
Pupil to adult <input type="checkbox"/>	Threatened violence <input type="checkbox"/>	Distress to self (pupil) <input type="checkbox"/>
Self harm <input type="checkbox"/>	Risk of injury <input type="checkbox"/>	Distress to others <input type="checkbox"/>
Damage to property/equipment <input type="checkbox"/>	Physical abuse/attack <input type="checkbox"/>	Injury <input type="checkbox"/>
Antecedents (What lead up to the incident): _____		
Behaviour: _____		
Action taken to manage/de-escalate the behaviour prior to use of physical intervention: _____		
Description of the physical intervention used: _____		
<ul style="list-style-type: none"> • Was this a planned (IBP)/unplanned intervention? (delete as appropriate) • Duration of physical intervention: _____ • Was anyone injured? YES/NO If YES, give details of injury and any medical support given: _____ 		
<p>3. CONSEQUENCES</p>		
Incident reported to Headteacher/Deputy/Other member of SMT (specify) _____		
Parents Contacted – Phone/Letter <input type="checkbox"/> Time: _____ By Whom: _____		
In School/Class Sanctions:		
Detention <input type="checkbox"/> Date: _____		
Outside Agencies Involved YES/NO If YES, who? _____		
Accident/Incident form/book <input type="checkbox"/>	Health and safety form/book <input type="checkbox"/>	
Other recording (specify) <input type="checkbox"/>	Other notification <input type="checkbox"/>	
Signed: _____		(Member(s) of Staff)
Date _____		

4. FURTHER ACTIONS

Post Incident Support:

Staff

Staff 'Debrief' Requested YES/NO

Provided by _____ Date _____

Follow Up Session Requested YES/NO

Details _____

Pupil

Post Incident Support given
by _____ Date _____

Signed _____ (Member of Staff)
Date _____

Signed (optional) _____ (Pupil)

PLANNING AND FURTHER ACTIONS

Do any of the following need review and possible change? Please tick appropriate ones.

- Pupil individual programme (e.g. IBP/PSP)
- Teaching targets/curriculum offered
- Teaching groups
- Aspects of physical environment
- Defusing and calming strategies
- Staffing

What steps have/will be taken to address identified areas?

Was any further, related action taken by Head/Deputy YES/NO

Specify:

Signed: _____ (Head/Deputy)

Date: _____