

## Physical Restraint Policy

This policy has been designed in accordance with the guidance and principles detailed in West Berkshire Council's Physical Intervention Policy (May 2002).

### The Legal Framework

Physical Restraint should be limited to emergency situations and used only in the last resort. Under the Children Order 1995, it is only permissible as described under the heading "Physical Control". Article 4 of the Education Order 1998 clarifies powers that already exist in common law. Further information regarding the legal context can be found in West Berkshire Council's Physical Intervention policy (May 2002).

### Purposes of Policy

The purposes of the policy are:

1. To establish as clearly as possible for staff and young people (and their families where appropriate) the circumstances in which physical restraint may be appropriate
2. To identify potential risks
3. To describe what actions staff may take when incidents occur that may require the physical restraint of an individual
4. To describe the procedures that must be taken immediately after any such incident

#### 1. Circumstances in Which Physical Restraint may be Appropriate

In the context of this policy, physical restraint is the application of **reasonable force**. There is no legal definition of reasonable force, so it is not possible to state definitively when it is reasonable to use force or the degree of force that may be reasonably used. The use of force can only be regarded as reasonable if the circumstances of a 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 young person committing a trivial misdemeanour or for any situation that can clearly 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: it should always be the minimum needed to achieve the desired result.

EP's first priority is the health and safety of young people and staff. All staff should have a sound knowledge of the organisation's strategies for dealing with young people who are distressed, angry or potentially violent. Techniques for calming young people or re-directing their outbursts should always be used prior to the use of any physical contact.

EP's policy, in line with Article 4 of the Education Order 1998 is that physical restraint will only be used if a young person is:

- committing a criminal offence (including behaving in a way that would be an offence if the young person were not under the age of criminal responsibility);
- injuring themselves or others;
- causing damage to property (including the young person's own property);
- engaging in any behaviour prejudicial to maintaining good order and discipline whilst engaged in activities provided by EP or whilst on EP premises.

Physical contact is to be avoided whenever possible and only used as a last resort in the circumstances described above.

#### 2. To identify Potential Risks

Whenever it is identified from the initial assessment that a young person might require physical intervention, a young person risk assessment must be carried out. Therefore:

- all identified risks and the corresponding risk reduction actions must be recorded using a young person risk assessment
- consideration must be given to any previous management of similar risks and how successful previous control measures have been in managing and reducing them
- it will also be necessary to identify the level of support and intervention the young person will require to manage their challenging behaviour. It is important that appropriate steps are taken to minimise the risk to all.

Among the main **risks to young people** are that a physical intervention will:

- be used unnecessarily, when other less intrusive methods could have achieved the desired outcome
- cause injury
- cause pain or distress
- become routine
- increase the risk of abuse
- undermine the dignity of young people or otherwise humiliate or degrade those involved
- create distrust and undermine personal relationships.

The main **risks to staff** include the following:

- as a result of applying a physical intervention, they suffer injury
- as a result of applying a physical intervention, they experience distress
- undermining the dignity of the staff member, or otherwise humiliating or degrading those involved
- the legal justification for the use of a physical intervention is challenged in the courts.

The main **risks to others** include:

- causing injury
- causing pain or distress
- increasing the risk of abuse
- creating distrust and undermining personal relationships.

### **3. What Actions Staff May Take**

#### **Staff Training**

The staff induction programme includes training in physical and non-physical restraint. Specifically, all staff and managers are required to attend the following training courses:

- Conflict Management
- Physical Restraint practice (Care & Control)
- Breakaway and self-defence

EP provides refresher sessions for these courses annually, not as a statutory requirement, but as best practice.

Relevant resources are kept in the office for reference purposes.

#### **Physical Intervention**

In exceptional circumstances, an episode of challenging behaviour may require physical intervention in order to prevent injury to the young person or to others. Staff should be aware that team decision-making does not absolve a member of staff from individual responsibility for their actions in this situation.

## Physical Restraint Techniques

Physical restraint that should not be used, particularly on young people:

### Do not:

- hold a young person around the neck or by the collar or in any other way that might restrict their ability to breathe (this includes double arm locks)
- twist or force limbs against joints
- trip up a young person
- hold or pull a young person by the hair or ear
- hold a young person face down on the ground
- hold a young person in any way that might be considered indecent.

Physical restraint will only be used in order for staff to carry out their duty of care towards the young person concerned, anyone else who could be injured, and property.

Staff faced with a situation where physical restraint may be required immediately should follow the steps below wherever possible:

- a) Send for help immediately (to help with the incident and ensure that there are witnesses)
- b) Appraise the situation quickly and honestly and decide whether or not you can manage it – especially in terms of physical strength
- c) Send away any other young people who may be at risk or who may be exacerbating the situation
- d) Intervene non-physically as quickly as possible, using a calm voice and displaying a calm and authoritative demeanour
- e) Try to interpose yourself between the protagonists (or between the protagonist and the object at risk) without using physical contact, and without putting yourself at risk
- f) Use physical contact to restrain the protagonist(s), bearing in mind the constraints listed above, whilst explaining in a calm and measured way why the action is being taken, and what is planned
- g) Continue to talk calmly and non-judgementally to the protagonist(s) while they regain their composure and become able to follow normal verbal instructions.

## Preventing Challenging Behaviour

The priority for staff is to prevent a challenging situation from either occurring or worsening. There are essentially 3 ways to prevent challenging behaviour. These are:

### a. Awareness of the young person's general life situation

Staff need to be sensitive to the different life situations of our young people and to consider, both individually and as a team, how best to provide an environment that offers the greatest control possible for a young person whose behaviour challenges. Staff need to provide the best possible opportunities for a young person to communicate their needs and feelings. By giving as much thought to a person's lifestyle as possible, many instances of challenging behaviour will be eradicated or diminished.

### b. Acting to defuse a challenging situation at its earliest stage

One of the most effective ways of preventing a challenging situation is through ensuring that effective risk assessment procedures are in place. Should a challenging situation occur, there are a number of techniques and approaches that can be used to defuse the situation and reduce the possible consequences. Some of these are identified below; the list is not exhaustive. No technique should be used unless and until it has been agreed as part of a planned management strategy.

- **talk to the young person** – Speak with the young person and try to find out what they are thinking or feeling. Find out if s/he is hurt, upset, annoyed or in pain. Try to discover what has happened to trigger the behaviour

- **comfort the young person** – Often the young person will be upset. Seek to comfort them both verbally and, if appropriate, by gentle physical contact. It is important that touching is appropriate and not interpreted as an invasion of space. Some people hate being touched and will react adversely
- **ignore the behaviour, but not the person** – Treat the young person as if the behaviour is not occurring. There is, however, a risk that this approach will lead to an escalation of the challenging behaviour or additional challenging behaviours
- **interrupt and deflect** – Try to get the young person to focus on another person, task or situation. Use humour or introduce something new to the situation. Doing something different can often be enough to deflect behaviour and to change the focus of a person's attention. This technique cannot be used too often without the underlying functions of the behaviour being addressed, or it will lose its impact
- **reward positive behaviour** – Try to reward appropriately, with praise or attention, any positive behaviour the young person may be showing
- **allow the young person time** – Access to a quiet place, and giving the young person some time to recover themselves, can be helpful
- **use the physical environment** – Make sure that the type and layout of furniture and space enhances positive behaviours – neither too cluttered nor too sparse. If a young person is being aggressive and it is safe to do so, place a table or chair to act as a natural barrier
- **monitor others' behaviour** – Challenging situations often happen with others around. There is a need to clearly manage them as well in challenging situations, and to ensure that they do not make the situation worse
- **monitor and review** – Try to constantly monitor and review the situation. Subtle changes in behaviour or the environment can be used to deflect attention.

#### c. **Managing one's own behaviour appropriately**

How you appear and behave are key variables in preventing the onset and escalation of challenging behaviour. Try to be aware of yourself and in control. Try to:

- acknowledge personal prejudices, emotions and feelings
- appear calm and confident
- consider the causes of previous episodes of challenging behaviour
- move slowly and purposely
- identify a safe exit
- keep proper space and distance
- speak clearly and calmly
- remain relaxed and breathing normally
- maintain eye contact but do not stare or show anger
- try not to appear arrogant, challenging or aggressive.

#### **4. Procedures Following an Incident**

If any incident takes place which requires physical restraint or the physical restraint of an individual, the following actions should be taken:

- a) The line manager should be informed as quickly as possible.
- b) All staff involved should complete a written report within 24 hours as a minimum, using the Incident Report Form.
- c) The line manager should make a decision as to the following issues:
  - whether or not medical help is required
  - whether or not the incident should be reported as a Safeguarding issue
  - whether or not to contact the police
  - when and how to contact parents/family.
- d) A record of the incident and a copy of any reports must be retained for future reference.

#### **Risk Assessment and behaviour management plans**

Risk assessments:

- are required of employers under Health and Safety legislation
- identify preventative and protective measures which need to be put in place
- should be co-ordinated with existing strategies to deal with the management of the behaviour of particular young people
- help to indicate training needs
- should always be undertaken on young people with known severe behavioural difficulties

When there are a significant number of incidents where physical intervention is necessary strategies for managing the behaviour of particular young people must be developed.

Medical advice should be sought on specific conditions and implications for physical intervention.

A young person assessed to be at risk of needing physical intervention should be the subject of a formally recorded behaviour management plan.

This plan should:

- outline the strategies which will be used to defuse situations
- give techniques staff will normally aim to use and those which would be inappropriate
- be reviewed at least 3-monthly and revised as appropriate, with all relevant staff informed
- wherever practicable, be made known to parents/carers and relevant professionals
- be placed on the young person's personal file.

Good practice involves parents/ carers and the young people themselves in the proposed strategy and obtaining parents' written agreement to behaviour management plans prepared on their children.

### Counselling and Support

Where an incident of challenging behaviour has occurred, counselling and support should then be provided as appropriate. Depending on the nature of the incident, this should include all or some of the following:

- colleague and peer support
- line management support and supervision
- independent counselling
- access to specialist support services as appropriate and available.

It is the responsibility of the line manager to:

- ensure that the appropriate levels of counselling support are identified after an episode of challenging behaviour. Consider employing an organisation that offers counselling to staff
- assess the risk of further episodes of challenging behaviour that may require physical intervention
- ensure guidance is in place and understood on how to manage the behaviour in the future.

### Complaints

If needed, parents / carers are encouraged to use EP's complaints procedure. Involving parents when an incident occurs with their child, plus a clear policy about physical contact that staff adhere to, should help to avoid complaints from parents / carers.

In the event of a complaint, however, a dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or under safeguarding procedures.

In the unlikely event that a complaint results in a disciplinary hearing or a criminal prosecution or in a civil action brought by the young person or the parents the panel or court would have regard to the provisions of law and it would also be likely to take account of the policy on restraint, whether that had been followed, and the need to prevent injury, damage or disruption, in considering all the circumstances of the case.

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2	31/03/2012	Revised and Updated	
3	30/08/2014	Revised and Updated	TW
4		Revised and Updated	TW
5	30/06/2018	Revised and Updated	TW