



# *Physical Intervention Policy*



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Welcome



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## **AIMS OF THE POLICY**

1. To ensure all staff understand and agree on an approach to physical intervention in all forms.
2. To develop and sustain an ethos and practice which protects the dignity and safety of both young people and staff.
3. To assist in planning to ensure potentially difficult situations are avoided.
4. To assist in creating and maintaining a safe and secure environment for social interaction and learning.
5. To clarify the Services' position for young people, parents, staff, Management Committees, Area Advisory Committees and others with an interest in the work of the Service.

## 1. INTRODUCTION

- 1.1 This Policy has been produced first and foremost in order to protect the dignity and safety of all those; young people and staff; involved in the County Youth Service.
- 1.2 It follows guidelines issued in DfEE circular 10\98 and those produced by Somerset Children and Young People's Services.
- 1.3 The Policy refers to physical intervention and not just physical restraint. Physical restraint is a specific form of response to people who are violent and aggressive. This Policy considers all forms of physical intervention, which may include holding and touching, not just those where direct force is used to limit or restrict movement or mobility.
- 1.4 The following pages contain detailed guidance and examples regarding the use of physical intervention which all staff should make themselves familiar with and incorporate into their practice.
- 1.5 The following statements, however, sum up the principals on which the policy is based.
  - Physical contact with young people is appropriate and necessary in some circumstances. Where necessary, reasonable force can be used to control or restrain young people.
  - Where physical intervention may lead to the physical control of a young person, it has to be demonstrated that it is warranted by the circumstances of the incident which precipitated it; the worker has taken into consideration the age, emotional state etc. of the young person; every possible step has been taken to de-escalate the situation and therefore avoid the use of physical intervention techniques; and the minimum reasonable force required has been used.
- 1.6 Risk assessment by staff on an individual, unit and area basis plays an important part in the implementation of this policy. Staff are not expected to get involved in physical situations they are not comfortable with. The Police are always an option.

## 2. CONTEXT

- 2.1 The principals and practices of Somerset County Youth Service which underlies all its work with young people and contributes to the distinct youth work methodology involves:
  - Setting high expectations for the behaviour of all those involved in the service.
  - Promoting a positive ethos and a safe and secure environment.
  - Fostering mutual respect amongst staff and young people.

- Encouraging in young people the development of self-worth and self-esteem.

2.2 Those young people who are in contact with the Service nearly all respond well to the boundaries which exist for their well being and safety. Indeed they are often involved in setting them. They relate well to youth workers and to each other.

Youth Workers have developed considerable skills in de-escalating difficult situation when they do occur and preventing damage to people and property.

A small minority of young people do, occasionally, present significant difficulties which cause concern. The following pages are designed to assist youth workers in managing difficult situations.

### **3. PREVENTION AND DE-ESCALATION**

This document gives guidelines for staff who may become involved in physical intervention.

It is important, however, that staff recognise that good practice involves taking steps individually and as part of a team to prevent such situations arising or de-escalating them should they do so.

In addition to being taken into account as part of each member of staff's ongoing professional development through supervision, it is important that youth work teams have a shared and agreed understanding of good practice in this respect.

As a minimum, therefore, this Policy and it's implications for practice should be discussed at staff meetings (Area or unit) at least annually. The following aspects should be addressed as a part of these discussions:-

- 1) Do all staff have a shared understanding of the boundaries for behavior that are in place?
- 2) Are a range of sanctions clearly identified together with the circumstances in which they should be used?
- 3) Do young people have clear understanding of the above?
- 4) The value in terms of prevention and de-escalation of good observation and awareness skills and how these relate to each delivery point?
- 5) Is there an agreed procedure to provide support for each other in difficult or violent situations and to assist in de-escalating them?
- 6) Is there a system in place to ensure that all staff are aware of situations which may contribute to stress or tensions in individuals and which may be a precursor to aggressive outbursts?

## **4. THE USE OF PHYSICAL INTERVENTION**

### **4.1 Circumstances to Use**

Under Section 550A of the 1996 Education Act, people who are authorised to have control or charge of young people, may use such force as is reasonable in all the circumstances to prevent a young person from doing, or continuing to do, any of the following:

- Committing a criminal offence (including behaving in a way that would be an offence if the young person were not under the age of criminal responsibility);
- Injuring themselves or others;
- Causing damage to property (including the young persons own property);
- Engaging in any behaviour prejudicial to maintaining good order and discipline on site or among young people, whether that behaviour occurs in the building or elsewhere on site.

The provision applies when a youth worker, or other authorised person, is at a Youth Service delivery point, and when he or she has lawful control or charge of the young person concerned elsewhere, e.g. On a trip or other authorised activity.

### **4.2 Who is authorised to use reasonable force?**

4.2.1 The Act allows all Youth Workers to use reasonable force to control or restrain young people. It also allows other people to do so, in the same way as youth workers provided they have been authorised as official volunteers to have control or charge of young people.

4.2.2 Youth Service managers should identify people whom they wish to authorise to be in control or charge of young people and therefore be able to use force if necessary. Authorisation may be on a permanent or long-term basis because of the nature of the person's job, or short term for a specific event such as a trip. The Manager should explicitly inform the people concerned, and ensure that they are aware of and properly understand what the authorisation entails, with written confirmation of this. To ensure this Managers may find it helpful to arrange for training and guidance for all staff. They should keep an up-to-date list of authorised people and ensure the Youth Workers know who they are.

## **5. ACTION IN SELF-DEFENCE OR IN AN EMERGENCY**

It is clear that Youth Workers, and other authorised staff, are also entitled to intervene in other situations. For example, everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example if a young person was at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene.

## 6. TYPES OF INCIDENTS

6.1 There are a wide variety of situations in which reasonable force might be appropriate, or necessary, to control or restrain a young person. They will fall into three broad categories:

1. Where action is necessary in self-defence or because there is an imminent risk of injury;
2. Where there is a developing risk of injury, or significant damage to property;
3. Where a young person is behaving in such a way that it is compromising good order and discipline.

6.2 Examples of situations that fall within one of the first two categories are:

- A young person is damaging himself or herself;
- A young person attacks a member of staff, or another young person;
- Young people are fighting;
- A young person is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- A young person is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;

Examples of situations that fall into the third category are:

- a young person is behaving in a way that is seriously disrupting a session and prevents the Youth Worker from carrying out his or her duties. We suggest that the initial reaction of the Youth Worker should be to ask the young person to leave the unit, if possible with another member of staff listening. In some circumstances it may be possible to remove the other young people as an audience.
- a young person persistently refuses to obey an order to leave a unit. We suggest that a staff team may wish to link the action that follows to the units agreed sanctions which may state, for example, that a young person receives three warnings before any further action is taken.

## 7. REASONABLE FORCE

- 7.1 There is no legal definition of “reasonable force”. So it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.
- 7.2 There are two relevant considerations:
- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical force could not be justified to prevent a young person from committing a trivial misdemeanor, 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.
- 7.3 Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age, understanding, and sex of the young person.

## 8. PRACTICAL CONSIDERATIONS

- 8.1 Before intervening physically the responsible person, whether a Youth Worker or volunteer should;
- Wherever practicable, tell the young person who is misbehaving to stop, and what will happen if he or she does not;
  - Continue attempting to communicate with the young person throughout the incident.
  - Make it clear that physical contact or restraint will stop as soon as it ceases to be necessary;
  - Adopt a calm and measured approach to a situation. Staff should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the young person.
- 8.2 Wherever possible, a member of staff should seek the support of another member of staff if they make a judgement to intervene physically in an incident. For example, when dealing with an older young person, or a physically large one, or more than one young person, or if the Youth Worker believes he or she may be at risk of injury, they should remove other young people who might be at risk, and summon assistance from a colleague or colleagues, or, if necessary, phone the Police. The Youth Worker should inform the young person/s that he or she has sent for help. Until assistance arrives, the Youth Worker should continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

## 9. PHYSICAL INTERVENTION

9.1 Physical intervention can take several forms. It might involve staff:

- Physically interposing between young people (see detailed notes later);
- Blocking a young persons path (see detailed notes later);
- Holding (see detailed notes later);
- Pushing (although young people often respond aggressively to this);
- Pulling;
- Leading a young person by the hand or arm;
- Shepherding a young person away by placing a hand in the centre of the back; or
- Using, in extreme circumstances, more restrictive physical intervention requiring force.

9.2 Staff should **not** act in a way that might reasonably be expected to cause injury, for example by:

- Holding a young person around the neck, or by the collar, or in any other way that might restrict the young persons ability to breathe;
- Slapping, punching or kicking a young person;
- Twisting or forcing limbs against a joint;
- Tripping up a young person;
- Holding or pulling a young person by the hair or ear;
- Holding a very young child tightly by the wrists as this may damage delicate bones;
- Holding a young person face down on the ground;
- Using an object as a projectile or weapon.

Staff should always avoid touching or holding a young person in a way that might be considered indecent.

## 10. PRINCIPLES RELATING TO PHYSICAL INTERVENTION

- 10.1 The following guiding principals provide a framework in which a member of staff can make judgments about possible interventions. It is imperative that staff exercise sound judgment and act with discretion in deciding how to react in a particular set of circumstances.
- 10.2 The principals relating to the use of physical intervention may be summarised as follows;
- (i) Staff should have good grounds for believing that immediate action is necessary to prevent a young person from significantly injuring himself or others, or causing serious damage to property.
  - (ii) Staff should take steps in advance to avoid the need for physical restraint, e.g. through dialogue and diversion; and the young person should be warned orally that physical restraint will be used unless he desists.
  - (iii) Only the minimum force necessary to prevent injury or damage should be applied and staff must be able to show that the method of intervention was in keeping with the incident that gave rise to it.
  - (iv) Every effort should be made to secure the presence of other staff before applying restraint. These staff can act as assistants and witnesses.
  - (v) As soon as it is safe, restraint should be gradually relaxed to allow the young person to regain self-control.
  - (vi) Restraint should be an act of care and control, not punishment.
  - (vii) Physical restraint should not be used purely to force compliance with staff instructions when there is no immediate risk to people or property.
  - (viii) A distinction must be maintained between the use of a “one-off” intervention which is appropriate in the particular circumstances, and using it repeatedly as a regular feature of the unit’s practice.
  - (ix) The potential for damage to persons and property in applying any form of restraint must always be kept in mind.
  - (x) The failure of a particular intervention to obtain a young persons compliance should not automatically signal the immediate use of another more secure form of intervention. Escalation should be avoided if possible: especially if it would make the overall situation more destructive and/or unmanageable. Breaking off from an intervention gives a chance for all parties to reflect on the situation.
  - (xi) The age and competence of the young person should be taken into account in deciding what degree of intervention is necessary.
  - (xii) If staff are aware that a young person has particular needs or circumstances, consideration should be given to approaches to control that would be appropriate to them should the need arise.

## 11. OTHER CONSIDERATIONS

### 11.1 Young Persons age and competence

A young persons age and competence bear on his/her ability to recognise and understand danger to himself, others and property. As such they are factors to be considered when determining the appropriate response to a young person who may require to be controlled by means of physical intervention.

### 11.2 Young People with additional educational needs

Young people of any age may have an impaired ability to recognise and understand danger. This may be, for example, because of serious learning disabilities, autism or severe emotional disorder. For such people there may be need to take action and the need for physical intervention may be more frequent. Brief periods of withdrawal away from the group into a calming environment may be more effective for the severely agitated young person than holding or physical restraint.

### 11.3 Young people in residential settings

11.3.1 In residential settings, there will be a particular need to ensure that young people do not have unsupervised access to unsafe areas including outside of the house or grounds. The safety of the young person is important. Particular care should be taken to ensure that dangerous objects and materials are locked away. Residential staff should adopt normal domestic approaches to security, including, for example, the locking of all external doors at night. The reasonable application of these practices would not constitute restriction of liberty.

11.3.2 The use of locked doors should not be an easy means of saving staff time or to keep their numbers inappropriately low. Staff should find ways of keeping each young person safe which minimises the need for physical control and restriction of liberty. On no account should young people be locked into their bedrooms at night whatever their age and competence. However, in some circumstances, close night time supervision may be required.

## 12. OTHER PHYSICAL INTERVENTIONS

### 12.1 Physical presence

12.1.1 In any situation where a young person's behaviour provokes intervention dialogue is an essential response. However, staff should feel able to reinforce dialogue with actions such as standing in the way of a young person wishing to leave, placing hand on the young person's arm, or holding the young person if he/she is highly distressed. These are acceptable, provided that their use is persuasive rather than coercive. This notion is developed in the following paragraphs which identify two types of intervention that can be used in this manner: physical presence (e.g.: standing in the doorway); and holding.

12.1.2 Physical presence refers to actions which reinforce a member of staff's authority or concern. As its simplest level, a staff member's presence in the room with young people should be a deterrent to misbehaviour. A look or a gesture may send out signals to young people which help to keep behaviour within acceptable limits. This guidance suggests acceptable limits can include standing in the way of a young person who is ignoring instructions or losing control, and may be reinforced further by placing a hand on the young person's arm unless prior information suggests that this action would place a member of staff at risk. The effect of this may be to restrict a young person's movement without the use of (forceful) physical restraint. This is acceptable only so long as the duration of this restriction does not extend, for example, into hours. It may be counter-productive if the young person's anger or distress increases. Its effectiveness may depend upon the respect that the young person has for the particular staff member.

12.1.3 The following principles apply to the use of a member of staff's physical presence.

- (i) Whenever possible, the member of staff involved should have an established relationship with the young person and should explain to the young person what he/she is doing and why;
- (ii) It must be likely to be effective by virtue of the overall authority carried by the staff member, and not simply his/her physical presence;
- (iii) It must be used in the context of trying to engage the young person in discussion about the significance and implications of his behaviour;
- (iv) It should not be persisted in if the young person physically resists. In this case a decision will need to be made about whether another form of intervention is justified.

## 12.2 Holding

12.2.1 There are also occasions when control can be maintained by holding a young person in a manner which does not carry the force of physical restraint. A young person may be successfully diverted from destructive or disruptive behaviour by being led away by the hand, arm, or by means of an arm around his/her shoulder. Again, young people having an argument or a fight, which in itself is not likely to cause serious harm, but is nonetheless disruptive and detrimental to the well-being of other young people, may be successfully separated by being held firmly and guided away. The main factor separating "holding" from "physical restraint" is the manner of intervention and the **degree of force applied**. Physical restraint uses the degree of force necessary to prevent a young person harming him/herself or others or property. Holding would discourage but in itself would not prevent such action. Care should be taken not to hold too firmly. It is more likely to find application in those settings caring for the younger age group,

particularly for those whose behaviour is unlikely to respond to verbal influence alone. However, even other people may be successfully engaged by a hand placed firmly on the arm or shoulder to reinforce the attempts of staff to reason with them, or to emphasise the concern felt for them.

#### 12.2.2 Principals when holding

Staff should adopt the following principles when dealing with young people in this way:

1. Whenever possible, the member of staff involved should have an established relationship with the young person and should explain to the young person what he/she is doing and why;
2. Holding should not arouse sexual expectations or feelings, and should cease if the young person gives any indication of this. Holding from behind is inadvisable with young people who have a history of sexual abuse.
3. Staff should be careful where they hold young people. For instance, staff should be careful not to hold a young person in such a way that involves contact with breasts or genitals;
4. If on any occasion the young person forcibly resists or demonstrably objects after a few seconds, then “holding” should no longer be used as a method of intervention in that particular case. Consideration should be given to other means of intervention, in consultation with other staff if circumstances at the time permit.

### 12.3 Touching

12.3.1 It is not intended that the main body of this guidance should deter normal physical contact between staff and young people. Although physical contact may on occasions be used to assert authority over a young person, it is more often an important element of care. Indeed, in the care of young people with learning, physical or sensory disabilities, physical contact might be the primary means of communication, and staff may have to undertake intimate activities such as bathing. Staff should feel able to express “parental” affection towards young people in their care, and to provide comfort to ease a young person’s distress.

#### 12.3.2 Principles when touching young people

The following guiding principles are suggested:

1. Young people generally become involved with the Youth Service on a voluntary basis and, unlike on admission to schools, do not come to us with documented history. If however, through discussion with a young person, their parents or carers, it emerges that there is a significance for a young person in physical contact with adults, particularly if previous abuse has occurred, then this should be taken into account by the staff team throughout the duration of contact with

the service. Cultural factors will also be significant in determining unacceptable forms of physical contact.

2. Physical contact should not be in response to or be intended to arouse sexual expectations or feelings;
3. Age, gender, religious, ethnic and cultural issues are appropriate considerations in deciding proper physical contact;
4. Where a member of staff feels that it would be inappropriate to respond to a young person seeking physical comfort, the reasons for denying this should be explained to the young person. The young person should be comforted verbally, as necessary;
5. There should be no general expectations of privacy for the physical expression of affection or comfort, although this may be appropriate in some circumstances (e.g. a bereavement). Staff should endeavour not to be alone with young people in such situations.

12.3.3 The issue of touching in general should be raised in induction training for staff, and discussed in staff meetings. The problem of sexual attraction between young people and staff can lead to difficult situations and areas should also consider including this in their induction programme.

## 13. RECORDING INCIDENTS

13.1 It is important that there is a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) where force is used. It may help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint. **Suggested standards forms for use in the County have been produced as Appendix D and Appendix E of this document. Please send a copy of each report to the relevant Youth Service Manager at Weir Lodge in Taunton where force has been used so that incidents can be logged.**

13.2 Units should keep an up-to-date record of all such incidents, preferably in an incident log. Immediately following any such incident the member of staff concerned should tell the Senior Worker or Worker-in-Charge and provide a written report as soon as possible afterwards. That should include:

- the name(s) of the young person(s) involved, and when and where the incident took place;
- the names of any other staff or young people who witnessed the incident;
- the reason that force was necessary (e.g to prevent injury to the young person, another young person, or member of staff);
- how the incident began and progressed, including details of the young person's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was

applied, and for how long;

- the young person's response, and the outcome of the incident;
- details of any injury suffered by the young person, another young person, or an member of staff and of any damage to property.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report.

13.3 Incidents involving the use of force can cause the parents, and/or guardians or other persons with parental responsibility for the young person involved, great concern. It is always advisable to inform parents of an incident involving their child, and give them an opportunity to discuss it. The Senior Worker, or member of staff to whom the incident is reported will need to consider whether that should be done straight away or at the end of the session, and whether parents should be told orally or in writing.

13.4 At the conclusion of the incident, a comprehensive record should be sent to the relevant Youth Service Manager at Weir Lodge. Following the detailed recording of a serious incident, the Senior Worker should:

- Read all accounts of the incident;
- Interview all staff and young people who witnessed the incident;
- Discuss the incident with the young person or young people who were directly involved;
- Ensure that the relevant Manager and, where appropriate, the Chair of the Management Committee have had the incident drawn to their attention;
- Ensure that all concerned are aware of their rights of complaint;
- Review unit policies in the light of events;
- Monitor the effects of the incident on the young person as well as the member of staff, and other persons involved may require specialist support or counselling.

## **14. COMPLAINTS**

14.1 Involving parents when an incident occurs with their child, plus a clear policy about physical contact with young people that staff adhere to, should help to avoid complaints from parents. It will not prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or by the Police and Social Services Department under child protection procedures. DfEE Circular 10/95: Protecting Children from Abuse gives guidance about the latter, and about procedures for dealing with

allegations against staff.

- 14.2 The possibility that a complaint might result in a disciplinary hearing; or a criminal prosecution, or in a civil action brought by a young person or parent, cannot be ruled out. In those circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in all the circumstances. In that event, however, the panel, or court, would have regard to the provision of section 550A. It would also be likely to take account of the Service's 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.

## 15. OTHER ISSUES

### 15.1 Creating a Positive Environment

Each unit will have developed boundaries for conduct and behaviour. Senior Workers should set the conditions which ensure that positive behaviour prevails. Staff must convey a strong sense of wanting to form constructive relationships with young people.

### 15.2 The young peoples' responsibilities

Good practice should involve the young people in examining and discussing the implications of behaviour which would demand staff intervention. Staff should initiate this work with young people. Group discussions allow an opportunity for staff and young people to discuss right and wrong, define unacceptable behaviour and examine together its consequences. The young people should be left in no doubt as to their responsibilities.

### 15.3 Non-urgent situations

Where the risk is not so urgent the worker should consider carefully whether, and if so when, physical intervention is right. Workers should always try to deal with a situation through other strategies before using force. All workers need developed strategies and techniques for dealing with difficult young people and situation which they should use to defuse and calm a situation. In a non-urgent situation force should only be used when other methods have failed. The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated.

### 15.4 Relevant Histories

Senior Workers must ensure that their staff are familiar with any known relevant histories of young people for whom they have responsibilities. Staff should take this into account in deciding how they respond to a young person, and in making judgments about appropriate interventions. This history should be noted along with agreed approaches to the control of individual young people who present particular behavioural difficulties.

### 15.5 Staff training

15.5.1 Staff should examine issues of control in staff meetings, and develop methods of dealing with them as a team. This should include agreed approaches to defusing tension and diverting aggression. Staff will need to

have a common understanding of how to detect early signs of mounting tension which could lead to disruption, and rehearse methods of communicating with each other when dealing with situations threatening the good order.

15.5.2 Somerset has a training team, consisting of experienced teachers and members of the Support Service, who are available to work with staff on issues such as de-escalation strategies, self-protection, and breakaway techniques. It has to be reinforced that physical control is a last resort and we have to be mindful of developing a control culture.

#### 15.6 Sanctions

It is good practice to have a written statement of permissible sanctions: often in the form of a membership agreement which serve largely to delineate the boundaries of acceptable behaviour and may seldom need to be used in units which are successful in engaging young people positively. The threat of sanctions will not always deter young people. Staff need to respond in the way most likely to maintain or restore control. They will be in a better position to do that if the advice given above has been followed.

#### 15.7 Planning

If a unit is aware that a young person is likely to behave in a way that may require physical control or restraint, it will be sensible to plan how to respond if the situation arises. Such planning needs to address:

- Managing the young person (e.g reactive strategies to de-escalate a conflict, holds etc.)
- Involving the parents to ensure that they are clear about what specific action the unit might need to take, including the use of restrictive straps on some chairs for young people with physical disabilities and learning difficulties;
- Briefing staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance);
- Ensuring that additional support can be summoned if appropriate;
- In some cases, particularly in AEN settings, there may be a need to take medical advice about the safest way to hold young people with specific health needs.

## 16. **GROUP MANAGER - YOUTH SERVICES NOTE**

These guidelines are intended to continue the open and honest approach to the provision of youth work which will ensure safe practice in this area. Any demonstrable disregard of the guidelines or an assault upon a young person remain a matter for consideration in the context of disciplinary proceedings. However, where staff, in good faith, breach these guidelines, are open and honest about it, and look to improve their practice, they will be supported.

## Appendix A

### **Background**

#### 1. Relevant Texts

The Education Act 1997 (Section 4) clarified the position about the use of physical force by teachers and others authorized by the Head Teacher of a school, to control or restrain pupils. The clarification was made by adding a section (Section 550A) to the Education Act 1996. This section, Circular 10/98 came into force on 1<sup>st</sup> September 1998 and applies to all schools.

#### 2. Corporal Punishment

Section 550A does not in any way authorize the use of corporal punishment with pupils in maintained schools or publicly-funded pupils in independent schools. For those pupils the law forbids a teacher to use any degree of physical contact which is deliberately intended to punish a pupil, or which is primarily intended to cause pain or injury or humiliation (section 548 to 550 of the 1996 Act). That ban applies in all circumstances and has applied since 1987. The School Standards and Framework Act includes provisions to outlaw corporal punishment for all pupils in maintained and independent schools and for children receiving nursery education. We expect these provisions to come into force on 1<sup>st</sup> September 1999.

### **National Picture**

An information survey of Education Authorities was carried out by Hewitt and Arnett (1996). They surveyed 113 LEAs and received 47 replies. This revealed the following:

- 27 of the LEAs had published guidelines for all their schools.
- 6 of those had additional guidelines for special schools.
- 14 of the 27 who had published guidelines based their advice on the Department of Health publication 'Permissible Forms of Control in Children's Residential Care (1993)'.
- Hewitt and Arnett raised a concern that some LEA guidelines demonstrated 'a worrying ignorance' of the existence of this key document which has had a central influence on the management of young people in residential children's centres and which, in the absence of any DfEE guidelines in the past, has been adopted in educational settings.
- 20 of the 47 LEAs who responded to the survey had no guidelines.
- Some LEAs encourage schools to write their own guidelines.
- Based on the information received from the survey, Hewitt and Arnett concluded that around 42% of schools within England and Wales were unlikely to have LEA written guidelines concerning the use of physical intervention.

## Legislation

### 1. Awareness

It is important to be aware of some key legislation relevant to the use of physical intervention with children for a number of reasons.

- To ensure that relevant staff are aware of their legal responsibilities for children when they are caring for them.
- It was justifiably considered to be the only effective means of intervention to render the situation safe.
- If physical restraint or another form of action involving the use of physical force is used on a pupil, the parents and the pupil can take action challenging the “**reasonableness of the force used**” and they may decide to claim damages through the Civil Court under these circumstances.

Appendix D

**Major Incident Report Form**

(To be completed if a physical intervention has occurred. Copy to line manager)

Section A

Young Persons Name
Young Persons age and date of birth
Date
Time
This report written by
Post held
Type of incident (please tick as appropriate): Vandalism <input type="checkbox"/> Bullying <input type="checkbox"/> Assault <input type="checkbox"/> Absconding <input type="checkbox"/> Fighting <input type="checkbox"/> Substance Abuse <input type="checkbox"/> Other (please specify)
Antecedents
Behaviour
Consequences
Names of those involved
Account of witnesses (with witness names)
Young Persons perception of incident
Signature of member of staff/report author:  Print Name:



## Appendix F

### **Physical Intervention Policy Action Sheet**

Within the policy various actions are suggested, these are listed here for ease of reference for practitioners. However, all staff should take the opportunity to read and digest the whole policy.

Induction	New staff's attention drawn to policy.
Supervision	Check that each member of staff has read and understood the policy
Staff Meetings	Consider the issues raised in Section 3 – Prevention and De-escalation at least annually.
Communication	A clear system is needed for communicating the needs/circumstances of individual young people to all staff if they are identified as having a bearing on methods of control (Section 12.3.2 (i) and 15.7)
Recording Incidents	It is important that any incidents involving force are recorded and reported using the relevant forms (Appendices D and E). See Section 13.