



# Policy and Guidance: Restrictive Practices (including Physical Restraint / Physical interventions and the use of “Reasonable Force”)

**Audience: for Schools / Educational Settings in Monmouthshire County  
Council**

The Aim of this Guidance Document is to:

- Ensure that a duty of care is being exercised to all children and young people.
- Develop a consistent MCC Local Authority (LA) approach to managing physical intervention and all restrictive practices.
- Ensure that all staff working with children in schools/settings are aware of their responsibilities in relation to physical intervention and restrictive practices including identified training requirements.
- Provide schools/settings with a framework for a model policy regarding the use of physical intervention and the use of and reduction of all restrictive practices in a safe manner.
- Ensure that incidents of physical intervention under codes 1-5 are recorded by school/settings and reported to the LA within 24 hours.
- Ensure that all restrictive practices both 1-5 and 6-10 are recorded, with termly sharing of this data to the LA to establish any areas of concern and enable reduction of RP use overall.

In Monmouthshire County Council you can obtain advice and guidance on such matters from:

Inclusion Team Vulnerable Learner Lead : [KeevaMcDermott@monmouthshire.gov.uk](mailto:KeevaMcDermott@monmouthshire.gov.uk)

Safeguarding in Education Lead: [HeatherHeaney@monmouthshire.gov.uk](mailto:HeatherHeaney@monmouthshire.gov.uk)

Health and Safety: [MCCHealthandSafetyManagement@monmouthshire.gov.uk](mailto:MCCHealthandSafetyManagement@monmouthshire.gov.uk)

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## Definitions

### Restraint

Restraint is “the positive application of force with the intention of overpowering the client” (DOH 4/93 Section 5.2).

### Restrictive physical interventions

Welsh Government (WG) (March 2005) guidance defined the term “Restrictive physical interventions” as “direct physical contact between persons where reasonable force is positively applied against resistance, either to restrict movement or mobility or to disengage from harmful behaviour displayed by an individual”.

### Challenging behaviour/behaviour which challenges

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

### Restrictive practices (RPs)

‘Restrictive practices are a wide range of activities that stop individuals from doing things that they want to do or encourages them to do things that they don’t want to do. They can be very obvious or very subtle.’ (Care Council for Wales, 2016) [footnote 1]  
This term covers a wide range of activities that restrict people.

The use of all restrictive practices including restraint should be in line with the principles described in the Human Rights Framework for Restraint produced by the Equality and Human Rights Commission (EHRC, 2019).

The term restrictive practices can apply to a number of different acts (for example, physical restraint, chemical restraint, mechanical restraint, seclusion, social restraint, psychological restraint, and long-term segregation). Restrictive practice does not necessarily require the use of force, it can also include acts of interference, for example disabling a wheelchair or mobility aid upon which a learner is reliant.

[Reducing restrictive practices framework | GOV.WALES](#)

<https://gov.wales/sites/default/files/publications/2021-07/reducing-restrictive-practices-framework-youth-friendly.pdf>

## Introduction

This Local Authority (LA) Policy document provides governing bodies, head teachers, line managers, teachers and staff with guidance and support on the use of restrictive practices and physical intervention in schools/settings within Monmouthshire. It is intended to support them to provide a safe environment for staff, volunteers, children, and young people.

The aim of the document is to provide clear guidance that enables staff working with children to make professional judgements and respond appropriately to specific incidents of behaviours that may have a negative, harmful, or disruptive impact.

All staff working with children should be made aware that their employment always imposes on them a duty of care to maintain an acceptable level of safety. Written guidelines cannot anticipate every situation. It is, however, the intention of this document to ensure that both children and young people and staff are protected in such circumstances. We expect that Monmouthshire learners who are placed outside of the County for their educational provision, and also Monmouthshire learners supported in non-LA maintained school settings for all or part of their education, are also supported in line with these principles and obligations.

School leaders should ensure they are aware of their obligations as Health and Safety (H&S) Managers and are encouraged to take up training offered by the Local Authority (LA) H&S team and by the Inclusion team VLL in these and other linked areas.

It also provides guidance on the power available to schools/ settings to help manage children and young peoples' behaviour and pays due regard to the Welsh Government document 'Safe and effective intervention – use of reasonable force and searching for weapons' and section 93 of 'The Education and Inspectors Act 2006.'

<https://gov.wales/sites/default/files/publications/2018-03/safe-and-effective-intervention-use-of-reasonable-force-and-searching-for-weapons.pdf>

The purpose of legislating on the appropriate use of force is to provide a clear and transparent power which enables staff to use reasonable force in specified circumstances, whilst at the same time, also protecting children and young people from physical violence, injury or abuse, as set out in Article 19 of the United Nations Convention on the Rights of the Child.

## General Principles

All staff members have the legal power to use reasonable force to prevent children and young people committing a criminal offence, injuring themselves or others, or damaging property; and to maintain good order and discipline amongst children and young people.

However, the focus must be on early intervention and preventing, as far as possible, the need for the use of force on children and young people, by creating a calm, orderly and supportive school climate that lessens the risk and threat of violence of any kind. **The use of force should only be used as a last resort.** Schools/settings should minimise the possibility of force being needed. This may not always be possible and

in such circumstances, staff should be aware of the sensitivities associated with any form of physical contact with children and young people.

See Appendix 6 What the law says – reasonable force.

## Reducing Restrictive Practices (October 2022 onwards )

This guidance has also been specifically updated to ensure due regard is made to the Welsh Government (WG) adoption of the reducing restrictive practices framework in line with the European Convention on Human Rights:

*“The Welsh Government is clear that the use of restrictive practices should be within the context of the European Convention on Human Rights and in line with the principles described in the Human Rights Framework on Restraint produced by the Equality and Human Rights Commission. 3 5. The approach set out in this framework seeks to promote the rights and principles set out in the United Nations Convention on the Rights of the Child (UNCRC); United Nations Principles for Older Persons and the United Nations Convention on the Rights of Persons with Disabilities.”*

[Reducing restrictive practices framework | GOV.WALES](#)

It also seeks to endorse and promote the need to reduce the use of all restrictive practices in a safe manner in line with the non-statutory framework but clear expectation to do so:

*“This Framework .... sets out the Welsh Government’s expectations for policy and practice in reducing restrictive practices across childcare, education, health and social care settings as part of a person-centred approach. As such the Inspectorates: Estyn; Healthcare Inspectorate Wales and Care Inspectorate Wales will consider compliance with the approach set out in the Framework when they carry out inspections.*

## Monmouthshire and Welsh Government Approaches

The WG approach aligns with the Monmouthshire’s approach to person centred planning (PCP) and to the use of Trauma Informed Practice and Adverse Childhood Experience aware (ACE) approaches and to behaviour as a form of communication under a social and emotional and mental health (SEMH) continuum.

[TrACE - ACE Hub Wales](#)

*“The Welsh Government recognises that restrictive practices have a negative impact on the well-being of those people subject to these practices, as well as those who implement and witness them. This may include physical harm, trauma or re-traumatisation. Restrictive practices should only ever be used as a last resort and should only be used where there is a real possibility of harm to the individual or to others.”*

[Reducing restrictive practices framework \[HTML\] | GOV.WALES](#)

## Use of Restraint

Any act of restrictive practice has a potential to interfere with a person's fundamental human rights and everyone has an obligation to respect human rights. All acts of restrictive practice must be lawful, proportionate and the least restrictive option available.

Restrictive practices should only be used within the appropriate legal frameworks, and the best way to avoid restrictive practices is to work preventatively and meet learner need before a crisis arises.

However, there may be rare occasions when it is necessary to use restrictive practices to prevent harm to an individual or others.

It is never lawful to use restraint to humiliate, degrade or punish people.

Children are vulnerable by virtue of their age, they are developing physically and psychologically, which makes them particularly vulnerable to trauma and harm because of restrictive practices.

People who have past trauma, who experience communication barriers, or who have other differences, may find certain restrictive practices particularly distressing and may find some situations particularly challenging and harmful. Settings should be mindful of their obligations to make reasonable adjustments for learners with a disability under the Disability Discrimination Act (DDA).

All these factors must be weighed up and balanced with other interests, such as the interests and safety of staff and other learners. There is significant overlap with potential safeguarding issues, health and safety and risk assessment and staff wellbeing.

## Use of Reasonable Force in Schools

<https://gov.wales/sites/default/files/publications/2018-03/safe-and-effective-intervention-use-of-reasonable-force-and-searching-for-weapons.pdf>

This document provides guidance on the powers of school staff to use force set out in Section 93 of the Education and Inspections Act 2006. These powers commenced in October 2010 and replaced Section 550A of the Education Act 1996, with minor changes.

All school staff members have a legal power to use reasonable force to prevent pupils committing a criminal offence, injuring themselves or others, or damaging property; and to maintain good order and discipline amongst pupils.

The focus should be on preventing, as far as possible, the need for the use of force on pupils, by creating a calm, orderly and supportive school climate that lessens the risk and threat of violence of any kind.

The use of force should only be a last resort, schools should minimise the possibility of force being needed. However, this may not always be possible and in such

circumstances, staff need to be aware of sensitivities associated with any form of physical contact with pupils. Heather Heaney the Lead officer for Safeguarding in Education must be notified asap and within 24 hours of any allegation or complaint against staff or volunteers in school or school settings arising from physical restraints and interventions. In such cases the Form R should be submitted in triplicate and noting there is an allegation or complaint in the email header to:

[FormRandRPdatareturns@monmouthshire.gov.uk](mailto:FormRandRPdatareturns@monmouthshire.gov.uk)

[HeatherHeaney@monmouthshire.gov.uk](mailto:HeatherHeaney@monmouthshire.gov.uk)

[KeevaMcDermott@monmouthshire.gov.uk](mailto:KeevaMcDermott@monmouthshire.gov.uk)

## Restrictions on the Use of Force

*Schools/settings should **not** restrict the ability of staff to use force by adopting a 'no-contact' policy.* The power to use force helps ensure the safety of all concerned. A 'no-contact' policy may place a member of staff in breach of their duty of care towards the child or young person or prevent them taking an action needed to prevent the child or young person causing an injury to others or damage to property. This also applies to any systemic approaches such as an ACE aware or TIS approach to supporting learners, as this **cannot displace overarching legal obligations** and duties of care to other learners and staff such as exist under H&S legislation and in civil / common law under a duty of care principle.

The purpose of legislating on the use of force was to provide a clear and transparent power which enables staff to use reasonable force on pupils in specified circumstances, whilst at the same time also protects children and young people from physical violence, injury or abuse, as set out in Article 19 of the United Nations Convention on the Rights of the Child.

Although the Education and Inspections Act 2006 specifically refers to "force" this covers the broad range of strategies that involve a degree of physical power to prevent pupils from hurting themselves or others, damaging property or causing disorder. The range stretches from leading a pupil to safety by the hand or arm, through to extreme circumstances where a pupil needs to be restrained to prevent violence or injury to themselves or others.

Policies on physical intervention in schools/settings should also be consistent with their related policies on Child Protection and Equal Opportunities, and with national and local guidance on safeguarding children and young people. Careful attention should be paid to issues related to ALN and/or disability, gender and privacy, and to any specific requirements of certain cultural/religious groups.

The use, or potential use, of physical intervention where a member of staff uses force intentionally to restrict a child's movement against his or her will is likely to raise anxieties.

Children and young people and parents/carers should be reassured that the Council provides this guidance to schools/settings to ensure that the use of physical intervention is used only in exceptional circumstances. Staff should be reassured that, where they follow the guidance set out in the WG and LA and school guidance, and

where they act appropriately and in good faith, their actions will be supported by their colleagues, head/ line manager teacher, governing body and the Council.

## **School Process Following the Use of a Restrictive Practice**

Intervention types 1-5 must be reported to the LA on Form R Appendix 5 by email within 24 hours.

All restrictive practices should be logged, and the spreadsheet Appendix 1 enables schools to do so for all categories 1-10. The LA will seek this data on a termly basis for review and audit in line with a range of obligations including the proactive obligations under the PSED.

Seclusion (RP category 7): Seclusion or enforced isolation in a room or teachers office away from peers and other learners should never be used routinely, nor in pre-planned ways as this can be unlawful imprisonment.

Schools are also encouraged to review all incidents of restraint and restrictive practice by use of Risk Assessments and Positive Handling Plans but also via the ALN route of considering how the learners needs are being met and using a graduated response to this. This may include referral to LA teams, multi-agency intervention, medical referrals etc. and, where needed, escalating any concerns via the ALN route and or panels such as the OASIS panel or Inclusion Panel with officer endorsement.

## **Safeguarding and School Review of Incidents and Data**

The Designated Safeguarding Person (DSP) within schools/settings should work with the Headteacher/ line manager, and the Designated Safeguarding Governor (DSG) to monitor, analyse and take appropriate action in response to the use of physical intervention and restrictive practices overall.

Such analysis should consider equality issues including age, gender, disability, culture and religion in order to make sure that there is no potential discrimination; the analysis should also have regard to potential child protection issues. There may also be issues of ALN provision and review, and the quality of teaching and learning and staff support and wellbeing that Heads and governors need to consider and which arise from both individual incidents and overall data trends.

Analysis should also consider trends in the relative use of physical intervention across different staff members (including those who are formally authorised/not authorised; and trained/not trained) and across different times of day or settings. This analysis should be reported to the Governing Body so that appropriate further action can be taken and monitored. The checklist questions at Appendix 3 may be used by schools as a prompt and record of school training needs analysis based on their termly reporting to the LA by way of Appendix 2 termly reporting and the use of the analysis functions of the spreadsheet at Appendix 1.

## LA Support, Training, and Monitoring Remit

The LA provides training in strategies and approaches that can support de-escalation and prevent the need for deregulation to be managed against a learner's will including: TIPSS (Trauma Informed Practice Skills and Strategies) training, Bespoke Educational Psychology Service training offer on request, training from the VLL training offer on: Child Looked After (CLA) Friendly and CLA Ready schools, Exclusion and inclusion, Restrictive practices awareness and risk assessment for learner behaviours.

The LA endorses the Team Teach (TT) training model as a certificated way of supporting staff in the use of the least risky and least invasive types of physical interventions to support learners at or causing significant risk to others.

Documents issued to all school settings in May 2024 have been reviewed to incorporate the impact of recent changes to Team Teach including their training compliance timelines but also their stance on any form of wrap which they no longer endorse due to the potential asphyxiation risk associated with its use. All the appendices below take account of the recommendations of the EHRC that all restrictive practices are recorded and reviewed with the same vigour as formal exclusions.

As part of the LA support to schools to meet the expectations of the public sector equality duty (PSED) under the Equality Act 2010 and to enable data analysis in line with the ECHR enquiry recommendations, we have supported schools and internal LA reporting of all Restrictive practices; physical, passive, mechanical, chemical, seclusion, segregation etc using this format and break down of characteristics. This is the categories and format we will be collating LA wide data on and requesting from schools on a termly basis from summer term 2024.

The LA Restrictive Practice checklist and update for schools May 2024 Appendix 3 is aimed at supporting Headteachers to ensure they consider a range of factors in terms of ensuring staff are sufficiently trained in this remit and that schools are fully aware of the commitment to reduce all forms of restrictive practice. There is no "one size fits all" approach to this area and each setting will have a different level of training need depending on their current, recent, and anticipated cohort .

In response to the recommendations and findings of the Equality and Human Rights Commission (EHRC) inquiry into the use of restraint and restrictive practices in schools July 2021, Monmouthshire has developed additional training to ensure that schools are aware of the need to review all such interventions and to do so in line with PSED obligations, the rights and needs of the child and the potential adverse impacts on both learner and staff involved in such incidents. Schools are encouraged to ensure that they have participated in the LA training in addition to any other training they have undertaken.

<https://www.equalityhumanrights.com/en/publication-download/restraint-schools-inquiry-using-meaningful-data-protect-childrens-rights>

[MCC Training and Support - Home \(sharepoint.com\)](#)

## LA Role and Response

The LA promotes safe and effective practice in relation to the use of physical intervention by:

- ensuring that all schools/settings have a policy and associated practice in place.
- Providing, promoting and endorsing a range of effective training programmes in TrACE informed and relational behaviour management and de-escalation strategies.
- monitoring the training data base to ensure that schools and trainers are compliant with training requirements.
- ensuring that schools/settings record physical intervention incidents for RP types 1-5 and submit signed completed forms to the LA within 24 hours of an incident leading to this level of adult intervention.
- ensuring that schools/settings provide appropriate post incident support to all connected learners and staff;
- providing clear guidance to schools regarding the constructive use and implementation of post incident support, positive handling plans, risk assessments and good practice.
- **providing guidance to schools regarding the requirement to immediately inform the lead officer for safeguarding in education, Heather Heaney, about any complaint or allegation related to a physical intervention incident.**

## LA Monitoring, Evaluation and Review

The Council demonstrates that it is exercising its duty of care to children and young people and staff via the following mechanisms and processes:

- schools/settings are required to submit signed forms for RP 1-5 incidents to the LA Children and Young People directorate (CYP) at [formrandrpdatareturns@monmouthshire.gov.uk](mailto:formrandrpdatareturns@monmouthshire.gov.uk) and where needed to the MCC H&S team within 24 hours;
- the completed forms are monitored and analysed by the Inclusion Team (VLL) to identify developing trends. This information is discussed and shared with schools and educational settings on a case by case, termly and annual basis.
- where necessary/appropriate representative(s) from the CYP Directorate will undertake follow up work with schools/settings to ensure that appropriate arrangements are in place in relation to physical intervention and RPs.

Sept 2024

- the Lead Officer for Safeguarding in Education links with Children's Services to monitor any complaints being considered via the Professional Strategy Process.
- Data on RP is shared to the CYP lead officer for education by way of termly VLL reporting.

**This Policy will be reviewed annually and updated in light of any changes in legislation.**

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## Appendices

### Appendix 1: Restrictive Practice Tracker

[MCC Restrictive Practice - Schools Template.xlsm](#)

### Appendix 2: Restrictive Practices and Physical Interventions Termly Incident Reporting: template

[MCC Restrictive Practices - School Termly Report - May 2024.docx](#)

### Appendix 3: Restrictive Practice checklist and update for schools

[MCC Restrictive Practice Checklist for schools - May 2024.docx](#)

### Appendix 4: Positive Handling Plan (PHP)

[MCC Positive Handling Plan PHP May 2024.docx](#)

### Appendix 5: Form R

[MCC Form R - Physical Interventions - May 2024.docx](#)

### Appendix 6: Risk Assessment (RA) for learner behaviours

[RA template MCC Learner behaviours VO5.docx](#)

### Appendix 7: What the Law Says

The legal context and guidance is taken from the Welsh Government's document Safe and Effective intervention- use of reasonable force and searching for weapons and section 93 of The Education and Inspections Act.

<https://gov.wales/sites/default/files/publications/2018-03/safe-and-effective-intervention-use-of-reasonable-force-and-searching-for-weapons.pdf>

*“Section 93 of the Education and Inspections Act 2006, replaced Section 550A of the Education Act 1996 and enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:*

-

*committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil); - causing personal injury to, or damage to the property of, any person (including the pupil himself);*

*or - prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise*

*The staff to which this power applies are defined in section 95 of the Act. They are: - any teacher who works at the school, and any other person whom the head has authorised to have control or charge of pupils.*

*This: i) includes support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors. ii) can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying pupils on school organised visits). iii) does not include prefects.*

*Those exercising the power to use force must also take proper account of any particular special educational need (SEN) and/or disability that a pupil might have. Under the Equality Act 2010 schools have key duties: - not to treat a disabled pupil less favourably, because of his/her disability, than a non-disabled pupil; - not to treat a disabled pupil unfavourably because of a reason related to their disability, without justification; - not to apply a provision, criterion or practice that puts or would put a disabled pupil at a particular disadvantage compared with a nondisabled pupil, without justification; and to take reasonable steps to avoid putting a disabled pupil at a substantial disadvantage in comparison with a non-disabled pupil (known as the reasonable adjustments duty). “*

There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour. However, deciding whether misbehaviour is trivial also depends on circumstances. For example, running in a corridor crowded with small children where there is a real danger of knocking them into walls or down steps may be dangerous enough not to be regarded as trivial.

The statutory power conferred by Section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence, to prevent another person from being injured or committing a criminal offence. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is only available to people authorised to have control or charge of pupils.

On preventing other types of criminal offence, Section 93 provides essential clarification. It is by no means clear that all the behaviours that prejudice school discipline are also criminal offences and most primary pupils are below the age of criminal responsibility. So, Section 93 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

Reasonable force may also be used in exercising the statutory power. This was introduced under Section 45 of the Violent Crime Reduction Act 2006: to search pupils, without their consent, for weapons. This search power would apply to head/ line manager teachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force could be used by the searcher and/or the second person required to be present at a search. However, the Welsh Government strongly advises schools not to search pupils where resistance is expected, but rather to call the police.

It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, abolished by Section 548 of the Education Act 1996. The use of force should be an act of care and control, not punishment. It is unlawful to use any degree of physical contact that is deliberately intended to punish a child or young person or which is intended to cause pain, injury or humiliation

Other key legal documents and areas of overlap:

- Equality Act, 2010
- The Public Sector Equality Duty, Equality Act 2010 (EA 2010) s149
- Practical approaches to behaviour management in the classroom: A handbook for classroom teachers in primary schools (Welsh Government, 2012)
- Safe and Effective Intervention - Use of Reasonable Force and Searching for Weapons (Welsh Government Guidance, 2013)
- The Social Services and Well-being (Wales) Act 2014 and Wales safeguarding procedures [Safeguarding Wales](https://www.safeguarding.wales/) <https://www.safeguarding.wales/> Wales Safeguarding Procedures for children and adults at risk of abuse and neglect - the national Wales Safeguarding Procedures. [Social Services and Wellbeing \(Wales\) Act 2014](#) and statutory safeguarding guidance [Working Together to Safeguard People](#)

## Appendix 8: Responsibilities of Schools and Educational Settings

**Safety is always of paramount concern** and as such staff are not required or advised to use reasonable force if it is likely to put their own safety or the safety of others at risk.

It would be sensible for a school's policy on the use of force to describe both the kinds of circumstances the school regarded as justifying the use of force to restrain a pupil (for example, to prevent them injuring somebody) and the kinds of circumstances the school regarded as justifying the use of force to require a pupil to comply with a reasonable instruction (for example, to leave the classroom). All staff - authorised and unauthorised - need to understand their powers and the options open to them. They need to know what is acceptable and what is not. Similarly, all pupils should be made aware of what powers are available to school staff and the circumstances under which this power could be used

### **2.2 What type of physical intervention can and cannot be used?**

Any use of physical intervention should be consistent with the principle of reasonable force. Where a risk assessment indicates that an individual student's behaviour is likely to need physical management, schools/settings should ensure that identified staff have received appropriate training.

A school's policy on use of force should be consistent with its behaviour policy. The Welsh Government guidance on the promotion of positive behaviour and school behaviour policies can be found in the Inclusion and Pupil Support Circular 47/2006. It should also be consistent with the school's policies on child protection and health and safety.

A school's policy on the use of physical intervention should describe examples of:

- the different approaches which should be used prior to force being used;
- the circumstances which the school/setting sees the use of force to restrain a pupil as reasonable (for example, to prevent them injuring somebody).

The circumstances the school/settings regards as justifying the use of force to require a pupil to comply.

### **2.3 Reducing the likelihood of situations arising where use of force may be required**

Although preventative measures will not always work, there are a number of steps that schools can take to help reduce the likelihood of situations arising where the power to use force may need to be exercised:

- creating a calm, orderly and supportive school/setting climate that minimises the risk and threat of violence of any kind.

- developing effective relationships between pupils and staff that are central to good order; use of rights respecting approaches, learner voice, restorative dialogue, distinguish learner behaviour from the learner etc.
- adopting a whole school/setting approach to developing social and emotional skills and using measures for this which can inform progress and areas of concern at pupil, cohort and school levels.
- taking a structured approach to staff development that helps staff to develop the skills of positive behaviour management; managing conflict and also to support each other during and after an incident. Use of strategic capitulation and the use of Positive handling plans and bespoke learner behaviour risk management and support plans that anticipate and seek to prevent known triggers etc and use a range of information from other professionals working with the learner and from home and the learner as well as school input.
- effectively managing individual incidents. It is important to communicate calmly with the pupil, using non-threatening verbal and non-verbal language and ensuring the pupil can see a way out of a situation. Strategies might include, for example, going with the staff member to a quiet area, away from bystanders or other pupils, so that the staff member can listen to concerns; or being joined by a particular member of staff well known to the pupil; and
- wherever practicable, warning a pupil that force may have to be used before using it.

#### **2.4 Pupils with Additional Learning Needs (ALN) and/or disabilities**

The following advice is particularly relevant to pupils with ALN and/or disabilities:

- Involve the ALN Coordinator or other named member of staff and parents in developing the school's policy and practice on the use of force. This will help ensure that appropriate account is taken of the needs of individual pupils with ALN and/or disabilities.
- Develop behaviour management and risk reduction/ risk management plans for individual pupils assessed as being at greatest risk of needing physical interventions in consultation with the pupil and his or her parents or carers. Advice on risk assessments is provided in Inclusion Service VLL training.  
See Appendix 6 Learner behaviour risk management /risk assessment plan (RA)
- Behaviour management plans set out the techniques that should be used and those that should not normally be used. For pupils maintained on an LA IDP or other equivalent then any planned potential use of physical intervention should be compatible with a pupil's LA IDP and properly documented in school records.
- As far as practically possible, make staff – including agency or supply staff, who encounter such pupils aware of the relevant characteristics of those individuals, particularly:
  - situations that may provoke difficult behaviour, preventative strategies and what de-escalation techniques are most likely to work.

- what is most likely to trigger a violent reaction, including relevant information relating to any previous incident requiring use of physical intervention; and
  - if physical intervention is likely to be needed, any specific strategies and techniques that have been agreed by staff, parents and the pupil concerned.
- Information from parents may be as valuable as information held by the school. Some of this information may be sensitive. Schools should seek written consent from the parent to inform appropriate staff. However, where consent is unreasonably withheld the information may still be made available to staff who need it where this would be in the best interests of the pupil concerned. The importance of providing such information will be a factor in decisions about giving temporary authorisation to parent volunteers and others to supervise pupils.
  - Designated staff to be called if incidents related to particular pupils occur. This does not necessarily mean waiting for them to arrive before acting if the need for action is urgent. However, they should always be involved in post-incident follow-up. Where physical intervention is required, staff should always seek to work in pairs.
  - Teach pupils who are at risk how to communicate in times of crisis and strategies to use in a crisis (such as using personal communication passports and non-verbal signals to indicate the need to use a designated quiet area or cool-off base) and ensure staff are familiar with these strategies.

## **2.5 Ensuring that staff know who has statutory power to use reasonable force.**

The Head/ line manager, teacher or delegated senior member of staff is advised to do the following:

- As part of an induction process, explicitly inform the people concerned of their responsibilities in relation to the school policy on use of reasonable force. He/she should make clear that all teachers and staff the head/ line manager has authorised to have control or charge of pupils automatically have the statutory power to use force. This could form part of a list of items to include in a suggested staff induction checklist / handbook.
- For staff who have temporary authorisation he/she should make clear the circumstances in which staff, whose jobs did not normally involve supervising pupils and volunteers working with pupils, will be authorised to be in control or charge of pupils and therefore have statutory power to use force.
- Keep an up-to-date record of temporarily authorised people and ensure that permanently authorised staff (i.e. all staff whose job involves supervising pupils) know who they are. Given the requirement for schools to maintain a central, up-to-date record of the DBS status of all staff and volunteers, they may wish to align these two sets of records.

## **2.6 Deciding if the use of force would be appropriate.**

The judgment on whether to use force and what force to use should always depend on the circumstances of each case and - crucially in the case of pupils with SEN and/or disabilities - information about the individual concerned.

Decisions on whether the precise circumstances of an incident justify the use of significant force must be reasonable. Typically, such decisions have to be made quickly, with little time for reflection. Nevertheless, staff should make the clearest possible judgments about:

- the seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if force is not used. The greater the potential for injury, damage, or serious disorder, the more likely it is that using force may be justified.
- the chances of achieving the desired result by other means. The lower the probability of achieving the desired result by other means, the more likely it is that using force may be justified; and
- the relative risks associated with physical intervention compared with using other strategies. The smaller the risks associated with physical intervention compared with other strategies, the more likely it is that using force may be justified.

## **2.7 Risk assessments**

Leadership teams are advised to assess the frequency and severity of incidents requiring use of force that are likely to occur in their school. Historical patterns usually provide a good starting point. These assessments will help to inform decisions about staff training. Planned responses to challenging behaviour should be informed by a completed risk assessment. Risk assessments of challenging behaviour should indicate if specific training in relation to de-escalating behaviour and /or the use of reasonable force to control or restrain pupils is necessary.

Schools/settings should also make individual risk assessments. Where it is known that force is more likely to be necessary to restrain a particular pupil, such a pupil whose ALN and/or disability is associated with extreme behaviour. An individual risk assessment is also essential for pupils whose ALN and/or disabilities are associated with:

- communication impairments that make them less responsive to verbal communication;
- physical disabilities and/or sensory impairments; conditions that makes them fragile, such as haemophilia, brittle bone syndrome or epilepsy; or
- dependence on equipment such wheelchairs, breathing or feeding tubes.

## **2.8 Situations where staff should not normally intervene without help**

An authorised member of staff should not intervene in an incident without help, unless it is an emergency. Schools should have communication systems that enable a

member of staff to summon rapid assistance when necessary. Help may be needed in dealing with a situation involving an older or physically stronger pupil, a large pupil, more than one pupil or if the authorised member of staff believes he or she may be at risk of injury. In these circumstances he or she should take steps to remove other pupils who might be at risk and summon assistance from other authorised staff, or where necessary phone the police.

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## Appendix 9: Suggested Policy Template for Adaption by Schools

### Physical intervention and restrictive practices in schools and educational settings: policy guidance

#### 1. Background

In England and Wales, school staff have a power to use ‘reasonable force’ to prevent a pupil from: – committing any offence – causing personal injury to, or damage to the property of, any person (including themselves), or – prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school.

We balance this right with the rights of the learner under the European Commission for Human Rights (ECHR), and in line with Welsh Government’s (WG) commitment to reducing the use of all restrictive practices where it is safe to do so.

- Staff may also use reasonable force when exercising the statutory power to search pupils for weapons, without their consent, where they have reasonable grounds for suspicion.
- Staff may also segregate a pupil in an area away from other pupils if they are disruptive. This approach can be used as a planned disciplinary penalty. Schools have discretion about how long to segregate a pupil and in what circumstances, leading to a variety of practices. In England and Wales, schools must have a behaviour policy that should set out what these practices are.
- Schools seek to record all instances of restrictive practices to enable school to maintain a clear record of how much inclusive learning time the learner has missed and why. This also enables school and the LA to meet learner need more effectively and ensure suitable full time inclusive education as well as compliance with the Public Sector Equality Duty (PSED) under the Equality Act.
- Learners will not be isolated or secluded from all other learners or staff, against their will except in extreme or urgent situations.

**School maintains records of all forms of restrictive practices including the segregation and isolation of learners against their wishes, not just times when passive or active physical restraint is used. The range of restrictive practices used in schools are broken down into 10 categories as below.**

CODE	Type of Restrictive Practice
<b>1. PHYS 1</b>	<b>Physical restraint</b> (i.e. Team Teach physical interventions/ holds etc NB: Team Teach no longer endorse any form of wrap hold.)
<b>2. PHYS 2</b>	<b>Chemical restraint</b>

	(i.e. Medication to restrain. Issued against learner's will not prescribed daily routine medication.)
<b>3. CHEM</b>	<b>Chemical restraint</b> (i.e. Medication to restrain. Issued against learner's will not prescribed daily routine medication.)
<b>4. MECH</b>	<b>Mechanical restraint</b> (i.e. wheelchair switch off or straps etc)
<b>5 SECLUDE</b>	<b>Seclusion in isolation</b> (can be a deprivation of liberty (DOLS) issue and unlawful if this is planned as a sanction. Only to be used in non-planned situations where there is a presenting H&S need. Forced Time out of class alone - with staff observing at intervals or at distance not peers – seclusion /isolation- not to be used as a planned measure.)
<b>6. ENV 1</b>	<b>Environmental restriction</b> (i.e. Prevented from going somewhere.)
<b>7. ENV2</b>	<b>Environmental restriction</b> (i.e. Removal of items, including phone that is not handed in as a school wide policy)
<b>8. SEG 1</b>	<b>Segregation restriction</b> (i.e. Forced time out of class with just an adult staff member e.g., in Head's office or in class alone at break).
<b>9. SEG 2</b>	<b>Segregation restriction</b> (i.e. Forced segregation with others in another class, e.g., sent to another classroom).
<b>10. SEG 3</b>	<b>Segregation restriction</b> (i.e. Forced time in detention or segregation with other learners / peers, e.g., exclusion / detention room).

**School monitors the use of all restrictive practices as part of the overall progress of a learner and to look at data analysis of these interventions in terms of their statutory equality duties.**

**Restrictive practices are a broad range of measures that may occur in schools**

We define physical intervention as follows:

Physical intervention is when a member of staff uses force intentionally to restrict a child's movement against his or her will. This can be active holds, passive guides, mechanical or chemical intervention.

All staff within this setting aim to help children take responsibility for their own behaviour and where possible to avoid such interventions. We do this through a combination of approaches, which include:

- positive role modelling
- teaching an interesting and challenging curriculum through differentiated activities.
- setting and enforcing appropriate boundaries and expectations
- providing supportive feedback.
- providing appropriate coping strategies for managing behaviour.
- Using bespoke pastoral support plans, single page profiles, Positive handling plans, Risk Assessments and use of wellbeing data and TIS and ACE aware approaches etc to ensure learner voice and a full understanding of the learners needs.
- A graduated response to learner needs via ALN continuum routes; seeking out external support and guidance where needed.

More details about this and our general approach to promoting positive behaviour can be found in our behaviour policy. There are times when children's behaviour presents particular challenges that may require physical intervention. This policy sets out our expectations for the use of such intervention. It is not intended to refer to the general use of physical contact which might be appropriate in a range of situations, such as:

- giving physical guidance to children (for example in practical activities and P.E.)  
providing emotional support when a child is distressed
- providing physical care (such as first aid or toileting).

This policy is consistent with our Safeguarding/Child Protection and Strategic Equality Plans, and with national and local guidance for schools on safeguarding children. We exercise appropriate care when using physical contact (there is further guidance in our Child Protection policy); there are some children for whom physical contact would be inappropriate (such as those with a history of physical or sexual abuse, or those from certain cultural/religious groups). We pay careful attention to issues of gender and privacy, and to any specific requirements of certain cultural/religious groups.

## **2. Principles for the use of physical intervention**

### **2.1 In the context of positive approaches**

We only use physical intervention when the risks involved in using force are outweighed by the risks involved in not using force. It is not our preferred way of managing children's behaviour. Physical intervention may be used only in the context

of a well-established and well-implemented positive behaviour management framework with the exception of emergency situations. We describe our approach to promoting positive behaviour in our Behaviour Policy. **We aim to do all we can in order to avoid using physical intervention.** We would only use physical intervention where we judge that there is no reasonably practicable less intrusive alternative. However, there may be rare situations of such concern where we judge that we would need to use physical intervention immediately. We would use physical intervention at the same time as using other approaches, such as saying, "Stop!" and giving a warning of what might happen next. Safety is always of paramount concern and staff are not advised to use physical intervention if it is likely to put themselves at risk. We will make parents/guardians aware of our Physical Intervention policy alongside other policies when their child/young person joins our school.

## **2.2 Duty of care**

We all have a duty of care towards the children and young people in our setting. This duty of care applies as much to what we *don't* do as what we *do*. When children or young people are in danger of hurting themselves or others, or of causing significant damage to property, we have a responsibility to intervene. In most cases, this involves an attempt to divert the child to another activity or a simple instruction to "Stop!" along with a warning of what might happen next. However, if we judge that it is necessary, we may use physical intervention.

## **2.3 Reasonable force**

When we need to use physical intervention, we use it within the principle of reasonable force. This means using an amount of force in proportion to the circumstances. We use as little force as is necessary in order to maintain safety, and we use this for as short a period as possible.

## **3. When can physical intervention be used?**

**Only after de-escalation strategies have been used or as an emergency response to a given situation.**

The use of physical intervention may be justified where a pupil is:

- a) Committing an offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil)
- b) Causing personal injury to, or damage to the property of, any person (including the pupil himself); or
- c) Prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school/setting, whether during a teaching session or otherwise.
- d) Where the personal safety of pupils is compromised.

Physical intervention may also be appropriate where, although none of the above has yet happened, they are judged as highly likely to be about to happen. We are very cautious about using physical intervention where there are no immediate concerns about possible injury or exceptional damage to property. **Physical intervention would only be used in exceptional circumstances.** It should be done by staff that know the student well and who are able to make informed judgements about the relative risks of using, or not using, physical intervention; for example, stopping a younger child leaving the school site.

**The main aim of physical intervention is usually to maintain or restore safety.** We acknowledge that there may be times when physical intervention may be justified as a reasonable and proportional response to prevent damage to property or to maintain good order and discipline at the school. **However, we would be particularly careful to consider all other options available before using physical intervention to achieve either of these goals.**

In all cases, we remember that, even if the aim is to re-establish good order, physical intervention may actually escalate the difficulty. If we judge that physical intervention would make the situation worse, we would not use it, but would do something else (like go to seek help, make the area safe or warn about what might happen next and issue an instruction to stop) consistent with our duty of care.

Our duty of care means that we might use a physical intervention if a child is trying to leave our site and we judged that they would be at unacceptable risk. This duty of care also extends beyond our site boundaries: there may also be situations where we need to use physical intervention when we have control or charge of Pupil off site (e.g. on trips).

**We never use physical intervention out of anger or as a punishment.**

#### **4. Who can use physical intervention?**

If the use of physical intervention is appropriate, and is part of a positive behaviour management framework, a member of staff who knows the child well should be involved, and where possible, Team Teach accredited trained in the use of physical intervention. However, in an emergency, any of the following may be able to use reasonable force:

**2.9** any teacher who works at the school,

**2.10** any other person whom the head/ line manager, teacher has authorised to have control or charge of pupils, including:

- a) support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors;
- b) people to whom the head/ line manager teacher has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related

staff) and unpaid volunteers (for example parents accompanying pupils on school organised visits) but not prefects.

## **5. Planning around an individual and risk assessment**

In an emergency, staff do their best, using reasonable force within their duty of care. Where an individual child has an individual positive behaviour management plan, which includes the use of physical intervention, we ensure that such staff receive appropriate training and support in behaviour management as well as physical intervention. We consider staff and children's physical and emotional health when we make these plans and consult with the child's parents/guardians. In most situations, our use of physical intervention is in the context of a prior risk assessment that considers:

- What the risks are
- Who is at risk and how
- What we can do to manage the risk (this may include the possible use of physical intervention)

We use this risk assessment to inform the individual behaviour plan that we develop to support the child. If this behaviour plan includes physical intervention it will be as just one part of a whole approach to supporting the child's behaviour. The behaviour plan outlines:

- Our understanding of what the child is trying to achieve or communicate through his/her behaviour
- How we adapt our environment to better meet the child's needs
- How we teach and encourage the child to use new, more appropriate behaviours
- How we reward the child when he or she makes progress
- How we respond when the child's behaviour is challenging (responsive strategies).
- We pay particular attention to responsive strategies. We use a range of approaches (including humour, distraction, relocation, and offering choices) as direct alternatives to using physical intervention.
- We choose these responsive strategies in the light of our risk assessment.
- We draw from as many different viewpoints as possible when we anticipate that an individual child's behaviour may require some form of physical intervention. In particular, we include the child's perspective. We also involve the child's parents (or those with parental responsibility), staff from our school/setting who work with the child, and any visiting support staff (such as Educational Psychologists, Education Support Team (EST) workers, Speech and Language Therapists, Social Workers and colleagues from the Child and Adolescent Mental Health Services).
- We record the outcome from these planning meetings and seek parental signature to confirm their knowledge of our planned approach. We review these plans at

least once every 4 to 6 months, or more frequently if there are any concerns about the nature or frequency of the use of physical intervention or where there are any major changes to the child's circumstances.

- We recognise that there may be some children within our school who find physical contact in general particularly unwelcome as a consequence of their culture/religious group or disability. There may be others for whom such contact is troubling as a result of their personal history, in particular of abuse. We have systems to alert staff discretely to such issues so that we can plan accordingly to meet individual children's needs.

### **What type of physical intervention can be used?**

Any use of physical intervention by our staff should be consistent with the principle of reasonable force. In all cases, staff should be guided in their choices of action by the principles in section 2 above.

### **Staff should not act in ways that might reasonably be expected to cause injury, for example by:**

- Holding a child around the neck or collar or in any other way that might restrict the child's ability to breathe
- Slapping, punching or kicking a child
- Twisting or forcing limbs against a joint
- Tripping a child
- Holding a child by the hair or ear

Such actions would be considered inappropriate. We may, however, use withdrawal or time-out in a planned way. We define these as follows:

Withdrawal involves taking a young person, with their agreement, away from a situation that has caused anxiety or distress, to a place where they can be observed continuously and supported until they are ready to resume their usual activities.

Time-out is where a response to a young person's inappropriate behaviour includes a specific period of time with no positive reinforcement as part of an overall intervention plan. This should be used to seek to allow the learner time to regulate and be supported to regulate.

## **6. Recording and reporting**

We record any use of physical intervention. We do this as soon as possible and always within 24 hours of the incident. A copy of the incident form is sent to the Children and Young People (CYP) directorate - Inclusion Service Vulnerable Learner lead (VLL) and Health and Safety (H&S) reporting may also be required. In some situations, the

Lead officer for Safeguarding in Education will also need to be informed. According to the nature of the incident, we may also note it in other records, e.g. SIMS, the accident book, bound and numbered book, violent incident. H&S accident/incident reporting or child tracking sheets which are also kept in head/ line manager, teacher's/ school office and shared with the appropriate department, where appropriate. Further, our governing body/ Management Committee ensures that procedures are in place for recording significant incidents and then reporting these incidents as soon as possible to the pupil's parents. After using physical intervention, we ensure that the head/ line manager is informed as soon as possible. We also inform EACH parent (including corporate parent where applicable) by phone (or by letter or note home with the child if this is not possible) - checking and confirming they have received the information.

## **7. Supporting and reviewing**

We recognise that it is distressing to be involved in a physical intervention, either as the child being held, the person doing the holding, or someone observing or hearing about what has happened. After a physical intervention, we give support to the child so that they can understand why it was necessary. Where we can, we record how the child felt about this. Where it is appropriate, we have the same sort of conversations with other children who observed what happened. In all cases, we will wait until the child has calmed down enough to be able to talk productively and learn from this conversation. If necessary, the child will be asked whether he or she has been injured so that appropriate first aid can be given. This also gives the child an opportunity to say whether anything inappropriate has happened in connection with the incident.

We also support adults who were involved, either actively or as observers, by giving them the chance to talk through what has happened with the most appropriate person from the staff team. A key aim of our after-incident support is to repair any potential strain to the relationship between the child and the people that were involved in the physical intervention.

After a physical intervention, we consider whether the individual behaviour plan needs to be reviewed so that we can reduce the risk of needing to use physical intervention again.

## **8. Monitoring**

We monitor the use of physical intervention in our school/setting. \_\_\_\_\_ and \_\_\_\_\_ are responsible for reviewing the records on a termly basis, and more often if the need arises, so that appropriate action can be taken. The information is also used by the governing body when this policy and related policies are reviewed.

Our analysis considers equalities issues such as age, gender, disability, culture and religion issues in order to make sure that there is no potential discrimination; we also consider potential child protection issues. We look for any trends in the relative use of

restrictive physical intervention and restrictive practices overall, across different staff members and across different times of day or settings. Our aims are to protect children, to avoid discrimination and to develop our ability to meet the needs of children without using physical intervention. We report this analysis back to the governing body so that appropriate further action can be taken and monitored.

## **9. Concerns and complaints**

The use of physical intervention is distressing to all involved and can lead to concerns, allegations or complaints of inappropriate or excessive use. In particular, a child might complain about the use of physical intervention in the heat of the moment but on further reflection might better understand why it happened. In other situations, further reflection might lead the child to feel strongly that the use of physical intervention was inappropriate. This is why we are careful to ensure all children have a chance to review the incident after they have calmed down.

If a child or parent has a concern about the way physical intervention has been used, our school's complaints procedure explains how to take the matter further and how long we will take to respond to these concerns.

Where there is an allegation of assault or abusive behaviour, we ensure that the head/line manager is immediately informed. We would also follow our child protection procedures. In the absence of the head teacher/line manager, in relation to physical intervention, we ensure that the deputy head/deputy line manager is informed.

If the concern, complaint or allegation concerns the head/ line manager teacher, we ensure that the Chair of Governors/ Chair of management committee is informed. If parents/carers are not satisfied with the way the complaint has been handled, they have the right to take the matter further as set out in our complaints procedure. The results and procedures used in dealing with complaints are monitored by the governing body.

## **10. Reviewing this policy**

We adopted this policy on \_\_\_\_\_.

It is next due for review by \_\_\_\_\_.

(This would depend on the individual setting, but it is recommended that this should be at least annually).

## Appendix 10: Recording and Reporting Incidents

Schools/settings are required to maintain systematic records of every significant incident in which force has been used, in accordance with school policy and procedures on the use of force / physical intervention and its child protection requirements. The purpose of recording is to ensure policy guidelines are followed, to inform parents, to inform future planning as part of school/setting improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry. The use of reasonable force to control or restrain pupils must be recorded in writing using the record sheet Form R (Appendix 4) within 24 hours.

A copy of the recording sheet should be sent immediately to the CYP Directorate. The head/line manager should also be informed of any physical intervention. The records should be kept in a locked cabinet in the head/line manager's office. For Children with Safeguarding Files, a copy of the incident sheet should be kept in the Safeguarding File or on data files in My Concern or equivalent. RP type 1-5 may merit My Concern or schools safeguarding recording in addition to RP bound and numbered book and Form R and spreadsheet or other school mechanism for recording. RP types 6-10 whilst being logged will not automatically have a safeguarding component and thus would not be recordable in this way but behaviour incidents can be logged on SIMs or other school system.

Good practice dictates that parents should be informed if the use of physical intervention of types 1-5 has been used on their child as soon as possible after the event. Wherever possible, it is best to telephone parents as soon as possible after the incident before confirming details in writing. It is also good practice for parents to be given a copy of the school's policy on the use of force and information on post-incident support. Social workers and corporate parent should also be informed. Form R should be completed and note their responses and they may be given copies of this document by email or otherwise.

It is good practice for governors to monitor incidents where force has been used. Head/line manager have an important role in reporting such incidents to the Management Committee Governing Body. Schools/Settings should have a member of staff and a member of the governing body/management committee who are responsible for monitoring, analysing and responding to the use of reasonable force to control or restrain pupils interventions within their school. The local authority also monitors and analyses the use of reasonable force within Monmouthshire schools/settings

The member of staff involved in an incident is usually best placed to compile the record. It would be good practice for the member of staff with lead responsibility for safeguarding to check the record and for the school/setting to provide the member of staff involved in the incident with a copy of the final version. Staff training could usefully include good practice on completing incident records.

Differing accounts given of the same incident should all be recorded. Parents should be told when and where the incident took place, which members of staff were directly involved (anonymised where necessary), why they decided that force had to be used, what force was used, whether there were any injuries and what follow-up action was needed.

The record is likely to form part of the pupil's educational record as it is a record of information which is processed (obtained, recorded and held) by or on behalf of the Governing Body/ Management Committee of the school/ setting (or teacher at the school, other than for personal use), relates to the pupil, and originated from or was supplied by a teacher employed by the Governing Body or the local authority.

If a copy of the actual incident record is not provided by the school/setting the parent would be entitled to see the educational record, within 15 school days of receipt of the parent's written request. If a parent makes a written request for a copy of the record this must be provided, also within 15 school days of that request being received.

When schools/ settings comply with a request to see or to have a copy of a pupil's educational record there is some information that must not be disclosed. This is any information that the child him/herself could not lawfully be given under the Data Protection Act 1998, or to which s/he would have no right of access under that Act or by virtue of any order made under section 30(2) or section 38(1) of it. Further detail on what data contained in educational records may be disclosed is contained in the Welsh Government's guidance on Educational Records, School Reports and the Common Transfer System - the keeping, disposal, disclosure and transfer of pupil information, Circular 18/2006. When recording such incidents, staff should bear in mind that, if this information is later passed to the police, it may be included in a DBS disclosure. Schools/ settings should retain records of such incidents until the member of staff involved has reached normal retirement age or for 10 years from the date of the allegation if that is longer.

All injuries should be recorded in accordance with school procedures. The school should take action to report relevant injuries to staff or pupils in line with Health and Safety requirements.

H&S will advise of the necessary actions and reporting via online portal or email as needed.

Data from these reports will be used by schools and the LA via H&S teams to look at both individual and overall school and LA patterns or concerns for its employees.

Members of staff who have been assaulted may wish to consider reporting that to the police.