

# Restrictive Physical Intervention / Use of Reasonable Force Guidance for Settings, Schools and Colleges

November 2023



## Contents

Introduction .....	3
Definition of Reasonable Force .....	5
Underpinning Principles.....	5
Planned and Unplanned RPI .....	7
When reasonable force can be used .....	9
Recording RPI.....	9
Policy and Training .....	11
Voice of Children and Young People .....	13
Complaints .....	14
Further information .....	15

# Introduction

This document draws extensively on the DfE national guidance [Use of Reasonable Force](#), July 2013. Schools, settings and colleges should ensure their staff are familiar with this document. At the time of writing, the DfE is consulting on the ‘use of reasonable force and restrictive practices in schools’. The East Sussex guidance will be updated in line with any changes to national guidance.

East Sussex County Council (ESCC) believes all children and young people should feel safe, secure and be in an environment free from abuse, bullying and violence. Boundaries and behavioural expectations in schools, settings and colleges should be clear and provide opportunities for children to maximise their potential. Most pupils do not behave in an aggressive or unpredictable way; they attend their school, setting or college in an environment which is conducive to learning.

Decisions about the education, wellbeing and safeguarding of a pupil should consider their views, personal context and any reasonable adjustments they may need to overcome barriers to learning. This is particularly important in relation to responding to and supporting difficult or dangerous behaviour. Behaviour is communication and, to improve pupil behaviour and wellbeing and reduce incidents of restrictive physical intervention, the focus must always be on understanding and responding to the underlying needs that are leading to the behaviours displayed.

ESCC is committed to supporting settings, schools and colleges to reduce their need for restrictive physical intervention (RPI) and restraint. It is important for schools, settings and colleges to maintain a caring, welcoming ethos which establishes a safe, secure and stable environment to enable pupils to grow, develop and learn. Accordingly, schools, settings and colleges must take reasonable steps, through their policies and staff training programmes, to minimise the likelihood of RPI becoming necessary. The vast majority of effective behaviour support originates from Quality First Teaching, building positive relationships with pupils and being responsive to a pupil’s social emotional and mental health needs.

For pupils who present difficult or dangerous behaviours, redirection, diffusion, prevention and avoidance are the first tools in managing violence and will tend to make control and restraint unnecessary in many situations. However, there may be occasions when the use of force or RPI is appropriate and necessary. For this reason, there is a duty on all schools in England to have a policy to reflect this practice. This policy is best placed within the school's discipline or behaviour policy.

This document is intended to provide clarification on the use of force (RPI) to help staff feel more confident in the expectations and to make clear the responsibilities of headteachers and governing bodies.

Good practice in schools, settings and colleges should involve pupils in examining and discussing the implications of behaviour that would require staff intervention. Staff should have the opportunity to examine issues of discipline, care and control and effective methods of dealing with difficulties should be shared with all staff who work with the pupil.

This guidance acknowledges that situations will arise for staff in schools, settings and colleges in which the use of force may be required in dealing with conflict when other measures have failed, or staff are faced with a one-off incident that did not have a planned risk assessment. In these situations, parental consent is not required for the use of reasonable force.

Advice and guidance on identifying additional and special educational needs, planning effective interventions to meet those needs and effective positive behaviour support can be accessed through the [Front Door](#). Schools and settings are also strongly encouraged to engage with their Education East Sussex support service link advisers and professionals.

## Definition of Reasonable Force

Reasonable force can cover a wide range of actions that involve a degree of physical contact with the pupil. Whether the force used is 'reasonable' will always depend on the circumstances of individual cases.

Deciding on whether the use of force is justified will depend in part upon the context in which the behaviour takes place. The test is whether the force used is proportionate 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 antisocial behaviour.

Any response must be reasonable, proportionate and use the minimum force necessary to prevent injury and maintain safety.

## Underpinning Principles

The safety of pupils and staff is the prime underpinning aim of the use of force or RPI.

It is essential that the physical management of pupils:

- should, wherever possible, be avoided
- is seen as a rare occurrence and as a last resort
- seeks to ensure the safety of the pupil, other pupils and/or staff
- is part of a whole school behaviour policy
- must be used in ways that maintain the safety and dignity of all concerned

Schools, settings and colleges should monitor and continually review their use of RPI to ensure these key underpinning principles are being followed; particularly that RPI is a rare occurrence and is proportionate to the safety risk. Force must **never** be used as a punishment - this is always unlawful.

### **When considering the use of (RPI):**

Assess the risk of the situation:

- What is the current level of risk to the pupil and/or others?
- Is the use of RPI justifiable when considering the level of risk?
- What would happen if you did not take action?
- Can the risk be reduced in another way e.g. de-escalation strategies and techniques?
- Are you trained and confident to carry out the RPI safely?

and the impact of physical intervention:

- What is the size, age and cognitive understanding of the pupil? Is English their first language?
- Does the pupil have any SEND; particularly communication difficulties or sensory sensitivities? Autistic pupils may have strong sensory sensitivities, identified or not; in these circumstances RPI could cause emotional harm or psychological trauma.
- Has the pupil experienced or witnessed physical, emotional or sexual abuse and/or are there current child protection concerns; in these circumstances RPI could cause emotional harm or psychological trauma.
- Does the pupil have any medical issues and/or do they take medication?

It is also important to review the impact on others of witnessing any physical intervention and schools should plan for this.

# Planned and Unplanned RPI

Restraint should only be used where it is necessary to prevent risk of serious harm, including injury to the child or young person, other children or young people, to staff, the public or others, if no intervention or a less restrictive intervention were undertaken.<sup>1</sup>

In a school, setting or college, force is used for two main purposes - to control pupils or to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom. Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

All members of school staff have a duty of care to prevent serious harm. Where there is a high or immediate risk of death or serious injury, any member of staff is justified in taking any necessary action (consistent with the principal of using minimum force). Such situations could include preventing a pupil from running off a pavement into a busy road or preventing a pupil from striking another pupil or adult with a dangerous object.

School, setting and college staff may use RPI for:

- removal of a disruptive pupil from a classroom
- restraint of a pupil to prevent them harming themselves
- restraint of a pupil to prevent them harming others
- prevention of a pupil leaving if leaving would risk their safety.

This is not an exhaustive list.

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<sup>1</sup> Reducing the Need for Restraint and Restrictive Intervention 2019

The use of RPI should:

- be in the best interests of the child or young person,
- be reasonable and proportionate to the circumstances,
- use the minimum force necessary for the minimum time necessary,
- be based on a comprehensive risk assessment,
- have regard for other young people and adults present, and
- respect the safety and dignity of all concerned.

Schools and children's homes should seek to reduce the need for RPI as far as is practicable. Several steps have been identified to achieve this:

- maintain a positive culture
- promote ethical practice
- maintain a child-centred approach
- understand high-risk behaviour or violent behaviour
- promote an awareness in staff of their own reactions to aggressive or violent behaviour and the effect of their mood on others
- promote self-control in children and young people
- use authority appropriately
- maintain a policy to manage behaviour positively
- ensure that plans and risk assessments are reviewed and followed consistently by staff
- promote positive relationships”<sup>2</sup>

**The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always be dependent on the individual circumstances and wider context of the pupil's needs, as well as the school policy.**

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<sup>2</sup> A protocol for Local Children's Services Authorities on Restrictive Physical Interventions in Schools, Residential and other Care Settings for Children and Young People, 2009, page 5



## When reasonable force can be used

In most circumstances RPI will be used reactively in response to an unforeseen event; it is very rare for a pupil to require planned RPI as part of their behaviour support programme.

Unplanned interventions require staff to exercise professional judgement in response to an incident where there is a concern about the safety of the pupil or other pupils/staff. In that moment the member of staff should undertake a dynamic risk assessment, including their judgement about the capacity of the pupil to make a safe choice. Unless the situation is urgent, staff should seek assistance from appropriately trained staff. If such assistance is not available, any response must be reasonable, proportionate and use the minimum force necessary to prevent injury and maintain safety.

Occasionally, it may be in the best interests of a pupil to use **planned** RPI as part of their overall behaviour support. This should be an agreed strategy because of a risk assessment that has been discussed previously with the pupil, their parent/carer and key members of staff. The main focus of the wider behaviour support programme should be to identify underlying reasons for the behaviour and to devise effective strategies to reduce the need for RPI.

## Recording RPI

On those rare occasions where a pupil requires planned RPI, there should be a person-centred written risk assessment in place that includes an understanding of the causes and triggers of the behaviours, effective preventative strategies, and planned responses to levels of risk. The plan should be reviewed and updated as the pupil's needs and behaviours change.

Dependent on the wider context of the pupil and the policies of the school, setting or college, this information may be recorded within a Behaviour Support Plan, a RPI Plan, an Additional Needs Plan, a Care Plan or an Education Health and Care

## Plan.

There is no standard format for recording this information; the quality of the information and the fact that it is co-produced with the pupil, their parent/carer and key staff is most important. The Local Authority recommends using the recording format that is provided by the training provider chosen by the school, setting or college (see section 'Policy and Training', page 11).

All incidents of RPI, whether planned or unplanned, should be recorded as quickly as possible and reported to the designated senior member of staff within 24 hours. The type of information that needs to be recorded includes:

- Names of the pupils and staff involved
- Date, time and duration of the restrictive physical intervention
- The reason for using a physical intervention rather than an alternative strategy
- The nature of any de-escalation used seeking to prevent the need to intervene physically
- The type of physical intervention used
- Whether or not anyone was hurt, if so the action taken
- Whether or not anyone was distressed, if so the action taken
- The views of the pupil
- The outcome of the physical intervention
- Details of how and when the incident was reported to parents/carers.
- A recording format and clear expectations of what should be recorded will be provided by the training provider chosen by the school, setting or college

# Policy and Training

Behaviour is a means of communication, and all behaviour has a purpose. Difficult or dangerous behaviour may signal a need for support. Behaviour policies and practice should recognise this and support pupils to develop alternative ways of expressing themselves that achieve the same purpose but in more appropriate ways. Sanctions alone will not change behaviours; improved outcomes will be seen if behaviour policies, strategies and practices promote a therapeutic approach, positive culture, prosocial behaviour and include personalised support for pupils with additional needs. Behaviour or support plans should look to identify the function of the behaviour, address the need and support pupils to achieve this through specific targeted approaches and meaningful intervention.

There is no requirement to have a separate policy on RPI or the use of force. It is good practice to set out within the behaviour policy the circumstances in which force might be used, for example it could say that staff will physically separate pupils who are fighting and do not respond to verbal intervention.

The behaviour policy must be made known to staff, parent/carers and pupils. It is essential that everyone is clear on what actions can and cannot be taken including the awareness that staff may be called upon to justify their actions or lack of actions at a later stage.

“Schools should not have a ‘no contact’ policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a pupil or prevent them taking action needed to prevent a pupil causing harm”.<sup>3</sup>

When establishing and communicating their policy on supporting behaviour (including RPI) schools, settings and colleges MUST acknowledge their legal duty to make reasonable adjustments for children with special educational needs and

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<sup>3</sup> Use of reasonable force, 2013, page 6

disabilities (SEND)<sup>4</sup>. The policy should cross-reference other relevant policies such as Child Protection, Inclusion and Health and Safety.

As well as deciding the policy and approach for supporting behaviour, schools, settings, and colleges need to take their own decisions about staff training to deliver those policies effectively and safely. The head teacher should consider whether members of staff require any additional training to enable them to carry out their responsibilities and meet the needs of pupils.

The Local Authority strongly recommends that school, setting and college staff are trained by a BILD (British Institute of Learning Disabilities) or ICM (The Institute of Conflict Management) accredited training provider, before carrying out restraint to ensure both the pupil and adult are safe. The de-escalation strategies included in RPI training programmes give staff the skills to prevent the need for restraint; the training on appropriate physical interventions give staff the confidence to carry out restraint effectively and safely on those rare occasions it may be required.

Support for inclusion can be accessed through the [Front Door](#). The Team Around the School and Setting (TASS) Inclusion support can also be contacted directly for advice on understanding and supporting difficult or dangerous behaviour, including preventing the need for RPI: 01273 481967 [tass@eastsussex.gov.uk](mailto:tass@eastsussex.gov.uk). As part of support to school, all schools have a named link adviser who can be contacted.

**East Sussex Education services do not carry out or advise on RPI practice or techniques;** schools, settings and colleges should source training directly from approved providers:

**BILD accredited providers can be found [HERE](#)**

**ICM accredited providers can be found [HERE](#)**

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<sup>4</sup> The Equality Act 2010

# Voice of Children and Young People

In 2012 Ofsted obtained the views of children and young people in care regarding restraint, for a report by the Children's Rights Director for England. The report makes interesting reading, for example one group of children and young people explained how they thought staff often created situations which got out of control and ended up needing the use of restraint.

Many of their suggestions on how staff can calm a child before needing to use restraint are relevant to schools, settings and colleges when creating and communicating their behaviour support approach. For example:

- Staff should not scream at children
- Understand the different ways to calm each young person down
- Keep talking calmly, in a calm voice, and try to communicate well
- Persuade them to calm down
- Reward good behaviour
- Try to solve whatever problems are leading to the need for restraint
- Disengage from the situation so that it does not escalate
- Help children to express their feelings in different ways
- Use activities to help people calm down
- Let the child walk away from the situation.

“Give children time.”<sup>5</sup>

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<sup>5</sup> Children's views on restraint, 2012, pages 14-15

# Complaints

There should also be a system in place to deal with complaints received regarding the use of force.

When a complaint is made, the onus is on the person making the complaint to prove that his/her allegations are true - it is not for the member of staff to show that he/she acted reasonably. All complaints about the use of force should be thoroughly, speedily, and appropriately investigated.

Schools should refer to the ‘Keeping Children Safe in Education’ DfE Guidance where an allegation of using excessive force is made against a teacher.

Should the Local Authority receive a complaint about excessive force or restrictive physical intervention being used inappropriately, the complaint may be investigated by the Schools’ Safeguarding Team and/or the Local Authority Designated Officer (LADO) as appropriate.

The school, setting or college will be expected to provide evidence of staff training from a BILD or ICM accredited provider and recording and monitoring in line with the DfE Use of Reasonable Force Guidance July 2013 and the advice given by the BILD or ICM accredited training provider chosen by the school, setting or college.

## Further information

- [DfE Use of Reasonable Force Guidance July 2013](#)
- [Reducing the need for restraint and restrictive intervention, DfE \(2019\)](#)
- [Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders \(2002\)](#)
- [Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties \(2003\)](#)
- [Searching, screening and confiscation - advice for schools \(July 2022\)](#)
- [Keeping Children Safe in Education](#)
- [Behaviour and Discipline in Schools: Advice for headteachers and school staff \(2022\)](#)
- [Further guidance and resources for supporting behaviour in schools](#)
- [Mental Health and Behaviour in schools](#)
- [Implementing Inclusive Education](#)
- [BILD Website](#)
- [ICM Website](#)
- [Children's views on restraint, Ofsted, 2012](#)
- [Positive environments where children can flourish - Ofsted 2021](#)
- [Education and Inspections Act 2006 Section 93](#)