



**North**

**Yorkshire County Council**

Children and Young People's Service

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26<sup>th</sup> March 2012

Dear Headteacher and Chair of Governors

### **The Safe Use of Restrictive Physical Intervention**

You may be aware of recent press articles regarding the suspension of a Head teacher and five other members of staff from a school in Blackpool who are alleged to have locked a 9 year old pupil in a room to calm down. Not only are the teaching staff suspended whilst their professional judgement is carefully scrutinised, they also face potential charges of false imprisonment, being a common law offence which may lead to claims for compensation or even a criminal penalty.

In the light of this incident we have decided to write to all schools to clarify existing guidance regarding the management of the social, emotional and behavioural needs of children who may on occasions require time away from their main learning environment. This has included seeking advice from NYCC legal department who have approved the following.

Existing guidance on the use of Restrictive Physical Intervention (restraint) has been shared with all schools. This recognises that some circumstances may lead to a genuine need to restrain a child, often to protect them from harming themselves or others, or to prevent significant damage to property. However, it is essential that such intervention is only considered within the full range of de-escalation and other behaviour management strategies that are available, within the framework of an agreed policy. The welfare of the child must always be the primary consideration. Restraint should only be carried out by appropriately trained staff and should where possible have been discussed and planned with parents and the child as a potential strategy within the overall provision plan for a child in advance of its use. All incidents of restraint must be formally recorded in line with an agreed policy.

There may very rare be occasions when the use of restraint fails to bring about the necessary improvement to the child's behaviour such that their safety, or that of other pupils continues to be at significant risk.

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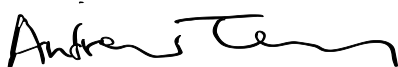
In these situations, schools need to be aware that any decision to seclude a child (place them in a room on their own, and preventing them from exiting )is very likely to be illegal and staff supervising such actions could face similar consequences to those described above (Blackpool incident).

It is essential that appropriate behaviour management plans and risk assessments are in place and have been agreed with parents (and pupils where appropriate) for all children displaying challenging behaviour where use of restraint and time away from their learning environment is a possibility. The following principles should always be rigorously followed:-

1. Work closely with the child, the parents and significant others, including specialist staff, to ensure that a risk assessment provides clear guidance on how to de-escalate and manage high level challenging behaviour.
2. Never create a situation where a child is on their own in a room and cannot leave that room (e.g. locked door, blocked exit, etc.)
3. Never leave a child unsupervised, even for a minimal period, to negate any risk of self-harm
4. Ensure any room chosen for time away from the main learning environment is a safe and dignified environment
5. Always ensure that actions are compliant with guidance on use of restraint
6. Contact the teacher in charge of the local enhanced mainstream school for further specific individual advice and support where required.
7. Maintain clear and up to date procedures to record, report and monitor all serious incidents, including restraint and time away from the main learning environment.
8. Ensure parents are informed as soon as is practically possible, but always within 24 hours, of any incident of restraint or unplanned, exceptional time away from the main learning environment

If you have any questions regarding the advice in this letter please contact Simon Ashby, Lead Adviser - Vulnerable Learners on 01609 532193.

Yours sincerely



Andrew Terry  
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