



Behaviour and Use of Restraint Policy

Turning Heads directors are responsible for ensuring that those benefiting from us or working with us are not harmed in any way. The directors of Turning Heads have a legal duty to act prudently, and this means that they must take all reasonable steps within their power to ensure that no one is harmed. It is particularly important where beneficiaries are vulnerable persons or children in the community.

This policy applies to all those involved in Turning Heads, including, but not exclusively, administrators, volunteer drivers, parents, young people, and third party suppliers.

Turning Heads has a duty to promote good behaviour and discipline. As an employer it has the duty to ensure the health, safety, and wellbeing of everyone in so far as is reasonably practicable.

For some it must be recognised that their challenging behaviour is an aspect of their developmental needs. Any interventions to manage their behaviour must reflect their overall needs, should be matched to their circumstances and be in the best interest of the person.

It is essential that staff act appropriately to safeguard children and adults and to minimise the risk of accusation of improper conduct towards a person. Section 93 of the Education and Inspections Act 2006 gives staff the legal right to discipline students and adults in SEN education up to 25 whose conduct falls below standard which could reasonably be expected. To be lawful, any sanction must satisfy the following conditions:

- it is not a breach of any legislation (for example in respect of disability, special educational needs, race and other equalities and human rights) and that it is reasonable in the circumstances - it is always unlawful to use force as a punishment or simply to get a person to follow an instruction.
- the person is under lawful control or charge of a member of staff.
- any sanction is proportionate in the circumstances of the case.

Reasonable force, restraint or any restrictive practices are only to be used as a last resort when other approaches have been tried and exhausted. Restraint is an action of last resort, should only be used in exceptional circumstances and is not a substitute for behaviour management strategies.

The emphasis of such strategies should be on managing incidents and behaviour through non-physical, non-threatening aggression-free strategies. Physical intervention should only be considered to control situations involving imminent danger to persons or to others where all other options have been exhausted.

The degree of force employed must be the least restrictive option that will meet the need in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any restriction should be imposed for no longer than absolutely necessary.

There is no legal definition of 'reasonable force' so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case. It should be a last resort and it should be necessary and proportionate to be reasonable in the context and circumstances presented.

Restrictive Practice UN Convention on the Rights of a Child - Article 3 (Best interests of the Child) states:

(1) 'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies, the best interests of the child shall be a primary consideration'.

(2) 'State parties shall ensure that the institutions, services and facilities responsible for the care or the protection of children shall conform with the standards established by competent authorities, particularly in the area of safety, health, in the number and suitability of their staff as well as competent supervision'.

Article 37 (Torture and deprivation of liberty). State parties shall ensure that;

(1) 'No child shall be subjected to torture or other cruel, inhumane or degrading treatment or punishment....'

(2) 'No child shall be deprived of his or her liberty unlawfully or arbitrarily...'

A detailed, contemporaneous written report should be made in respect of any incidents where force is used by the member of staff concerned. The information that should be contained within this report is set out in DfEE Circular 10/98.

The DSL will ensure that parents / carers / social workers are informed as soon as is reasonably practicable of an incident where physical restraint has been used.

After any incident, staff will reflect on the situation to identify how to reduce the need for restrictive practices and earlier interventions.

Staff will all receive training on a positive, pro-active approach to de-escalation behaviour and the legal implications of any restrictive interventions, prior to any physical restraint training.

It is the duty of everyone to consider the safety of people in our care, their own safety and that of other staff at all times. In the event of circumstances arising that might escalate to an incident, staff will:

- follow the behaviour policy and behaviour plans where appropriate;
- begin early de-escalation using preventative, non-confrontational methods;
- consider all options available to them, including withdrawal of themselves or others;
- seek support where possible.

The Directors will ensure:

- the behaviour policy is applied consistently
- that the behaviour policy aims to promote good behaviour, self-discipline and respect
- the behaviour policy is publicised on the website
- that staff are trained to a suitable and sufficient level to manage behaviour effectively to minimise the need for the use of restrictive practices
- risk assessment and behaviour plans are in place
- staff are provided with comprehensive information on the risks and the preventative and early de-escalation strategies
- staff are given clear guidance to risk assess difficult and dangerous behaviour so that interventions are legal, appropriate and proportional
- an open and transparent reporting & recording system for monitoring behaviour

All complaints about the use of force should be referred to the Local Authority Designated Officer (LADO) in accordance with the Safeguarding Children Board 'Arrangements for managing allegations of abuse against people who work with children or those who are in a position of trust'

Appointed Person

An appointed person should be made known to members, volunteers and parents alike; as the designated person to whom concerns should be addressed. If the concern is about this designated person, please report to **Alan Tilley, Turning Heads**.

The appointed person at Turning Heads is:

Name: Alan Tilley Contact number: 0781777739

Reviewed: 1 February 2022

Next Review: 1 February 2024