# Positive Handling Policy

# Positive Handling Policy

# Policy details

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#### Introduction

At Coop Academy xxxxxx we are committed to a positive behaviour policy which encourages pupils to make positive choices and staff are given support to meet the expectations set out in the Code of Conduct. We firmly believe that, in most instances, staff should not use any form of restrictive physical intervention on pupils. The need for physical use of force is regarded as a last resort in managing any situation. This policy should be read in connection with the academy Behaviour Policy which sets out how we will ensure that there is a positive climate for learning and how we will intervene at the earliest possible moment to limit the need for staff to use force.

Co-op Academy XXXXXX however, recognises that there is a need, reflected in common law, to physically intervene when there is an obvious risk to the safety of pupils, staff and property. This applies both on and off site. If used at all, the use of force to control or restrain pupils will be used in the context of a respectful, supportive relationship, in order to ensure minimal risk of injury to pupils and staff.

This policy is based on the following advice and guidance:

- The Education Act (1996)
- The Education and Inspections Act (2006)
- Use of reasonable force advice for head teachers, staff and governing bodies (DfE, July 2013)
- Searching, screening and confiscation advice for head teachers, school staff and governing bodies (DfE, January 2022)
- When To Call The Police guidance for schools and colleges (NPCC, 2020)

This policy should also be read in conjunction with the Academy policies for:

Behaviour Staff Code of Conduct Safeguarding and Child Protection

And the trust policies for: Violence and Assaults Against Colleagues Exclusions Whistleblowing

## **Principles**

Our policy for physical intervention is based upon the following principles:

- Physical intervention should be used only as a last resort when other appropriate strategies have failed; and only where it would be lawful to do so
- Any physical contact should be only the minimum required
- Physical intervention must be used in ways that maintain the safety and dignity of all concerned
- Incidents must be recorded and reported to the headteacher as soon as possible
- Parents / Carers will be informed on the day of the incidents
- Staff will be trained to intervene safely by an accredited Team Teach provider

 Where pupils are identified to be likely to exhibit unsafe behaviours, individual plans are in place identifying deescalation strategies and recommended Team Teach holds

#### Purpose

This policy aims to set out the exceptional circumstances where restrictive physical intervention of pupils will be absolutely necessary. The Education Act of 1996 and the Education and Inspections Act of 2006, clarify the powers of teachers, and other staff in school, to use reasonable force to prevent pupils from:

- Causing injury to his/herself or others;
- Committing an offence;
- Damaging property;
- Prejudicing the maintenance of good order & discipline.

#### Our approach

At Co-op Academy XXXXXX we aim to avoid the need for physical intervention and regard this as a last resort in managing situations. We always aim to deal with behaviour using a positive approach and therefore this policy should be read in connection with our Behaviour Policy. Throughout this policy we refer to 'restrictive physical intervention' as this is the widely recognised term used when we have to hold children to keep them safe. However, we should always avoid using language of 'restriction' when we talk to children, parents and staff. We want our staff and families to understand that if we do need to resort to physical intervention, that we are doing this to keep children safe and therefore would use this language, in practice.

It is not possible to define every circumstance in which restrictive physical intervention would be necessary or appropriate and staff will have to exercise their own judgement in situations which arise within the above categories. Staff should always act within the academy policies outlined above, particularly when dealing with disruptive behaviour.

Staff should be aware that when they are in charge of pupils during the school day, or during other supervised activities, they are acting in loco parentis and have a 'Duty of Care' to all pupils in their care. They must, therefore, take reasonable action to ensure all pupils' safety and wellbeing and have a lawful justification for taking reasonable physical steps to prevent injury to any person, or damage to property. Taking no action which results in a person being injured, could leave a member of staff open to an allegation that they were in neglect of their duty of care.

Staff will act in the best interests of all concerned, balancing the need to keep physical intervention to a minimum with the need to keep all pupils safe.

Staff should understand the importance of listening to and respecting pupils to create an environment that is calm and supportive, especially when dealing with pupils who may have emotional and behavioural needs, which may increase their aggression. All staff should understand the importance of responding to the feelings of the pupil, which lie beneath the behaviour, as well as the behaviour itself. However, there may be occasions where staff will need to intervene in order to keep children safe. We want our staff to be confident in managing situations where they may need to physically intervene in order to ensure that pupils are kept from harm. This is a difficult balance. Our responsibility is first and foremost about protecting the pupils in our care. Staff are expected to exercise their professional judgement in any situation involving challenging behaviour.

If a pupil reaches crisis point and is behaving in a way that is unsafe either to themselves or to others then every non-physical strategy will be used to manage the behaviour positively to prevent a deterioration of the situation. Staff should view physical intervention with a pupil as a 'last resort' and for the purposes of maintaining a safe environment.

Examples of situations where positive handling may be appropriate include:

- when a pupil attacks member of staff;
- when a pupil attacks another pupil;
- when a pupil is, or is on the verge of, committing deliberate damage or vandalism to property;
- when a pupil is, or is at risk of, causing injury or damage by accident, by rough play or by misuse
  of dangerous materials or objects;
- when a pupil is at risk of absconding from class or tries to leave the school \*
- when a pupil's behaviour threatens the orderly running of a school
- when a pupil is seriously disrupting a lesson and this is not allowing other pupils to learn

\*Refusal of a pupil to remain in a particular place is not enough on its own to justify force. It would be justifiable where allowing a pupil to leave would entail serious risks to the pupil's safety (taking into account age and understanding), to the safety of other pupils or staff, or of damage to property. For example, a child who is unable to understand road /community safety due to age or need would be at serious risk if not prevented from leaving the building.

#### Use of Restrictive Physical Intervention

Restrictive physical intervention should be applied as an act of care, support and control to safeguard pupils and staff. Adults will use therapeutic language until a pupil is able to reach a point of emotional regulation. It should never take a form which could be seen as punishment. Staff response to an incident should seek to employ a reasonable and proportionate level of force in response to a pupil's behaviour as set out in the pupil's Positive Behaviour Support Plan (PBSP).

Staff are only authorised to use *reasonable force* when applying restrictive physical intervention, although there is no absolute definition of this. What constitutes reasonable force depends upon the particular situation and the pupil to whom it is being applied. Part of this assessment will require the level of force needed to be kept under review as necessary. Staff should apply the training they receive to de-escalate where possible then use the appropriate holds as practised in the training. However, as a general rule, only the force necessary to stop or prevent danger should be used, in accordance with the guidelines below and should only be used when the risks involved in doing so are outweighed by the risks involved in not using force. In order to ensure that our practices are open and transparent, staff must ensure that they document the hold which will also include reasons and justifications for the decisions to physically intervene. Only those holds for which staff have been trained may be used.

Staff need to be aware that they are required to justify their decisions in writing through the recording and reporting procedures outlined in this policy. When circumstances justify, staff as a last resort, may:

- physically interpose between pupils
- block a pupil's path
- hold a pupil in a controlled manner
- use escorting techniques in a controlled manner
- in extreme circumstances, use more restrictive holds

During any incident when restrictive physical intervention becomes necessary staff will:

- Ask a pupil to stop doing what they are doing and explain it is unsafe
- Use simple and clear language
- Explain to the pupil that you are going to intervene physically to keep them safe
- Wherever possible, seek assistance from another member of staff to witness and support
- Use the least restrictive hold, for the minimum amount of time, using therapeutic language
- Continue to use all available verbal and non-verbal support and de escalation strategies
- Remind the pupil that you are holding them to keep them safe
- Protect the pupil's dignity
- Ensure that their hold is reasonable, necessary and proportionate

#### Staff will never:

- Act in anger (involve another member of staff if you fear loss of control)
- Use physical intervention or force in order to inflict any pain e.g.
  - o holding a pupil around the neck, by the collar or in any way that could restrict breathing
  - punching, kicking or slapping a pupil
  - holding or pulling a pupil's hair
  - o twisting a pupil's limbs or forcing limbs against a joint
  - o the 'double basket hold' which involves holding a pupil's arms across their chest
- Get involved in prolonged verbal exchanges with pupils
- Involve other pupils when using restrictive physical interventions
- Use holds that have not been taught or are not authorised by Team Teach
- Use restrictive physical intervention or intervention as punishment or to gain compliance

Coop Academy XXXXX are aware of a technique called the Team-Teach Ground Recovery Holds. These are advanced techniques and carry elevated levels of risk. As part of our commitment to safeguard our pupils, we would not use the Ground Recovery Holds nor write them into a PBSP.

## Responsibility of Staff

The Education and Inspections Act authorises all staff at a school to use reasonable force to support pupils who are unsafe. At Coop Academy XXX we will ensure that staff who are required to use restrictive physical intervention will have received appropriate training via Team Teach trainers.

Where a pupil is recognised as likely to behave in ways which may require physical intervention, staff should initiate production of a Positive Behaviour Support Plan (see Appendix) and, if needed, an Individual Pupil Risk Assessment (IPRA). This plan will be drawn up in conjunction with the SEND coordinator and shared with all pertinent staff in school. It will also be made available and discussed with pupils, families and other relevant stakeholders (e.g. social worker). These plans must be followed and implemented by all members of staff.

Under the Health and Safety at Work Act 1974, employees have a responsibility to report any circumstances which give rise to an increased risk to their health and safety. Staff who have, or acquire, permanently or temporarily, any medical condition that may impact on their ability to carry out pupils' PBSPs have a duty to report these to the Headteacher immediately, as there may be an impact on their own safety and that of colleagues and/or pupils.

If, during an incident where reasonable force has been used, a person is injured, they must be seen by a first aider and the First Aid Policy should be followed. Any pupil injuries must be recorded on the Restrictive Physical Intervention form (Appendix ii). For adults, this must be reported to their line manager and relevant members of staff - either by themselves or by another member of staff. All violent incidents must be recorded via the Parago FM system. This two part form firstly records the incident in detail. The second part of the form details the relevant management actions which will mitigate any future recurrences. The 'Violence and Assaults Against Colleagues' trust policy provides more detail.

## Personal Safety

There may be times when a member of staff may need to defend themselves from a physical assault or 'break away' from a pupil who has taken hold of them. It is acknowledged that with some disengagement techniques pupils may encounter some minimal discomfort when appropriate release techniques are used. However, this is very brief, transient and poses less of a risk than the behaviour they are employed in response to, e.g. biting. All staff will be given input on key skills and principles regarding personal safety and self-defence, as part of their ongoing training.

#### Positive Behaviour Support

Positive Behaviour Support describes a broad spectrum of risk reduction strategies. Positive Behaviour Support is a holistic approach involving policy, guidance, management of the environment, and deployment of staff. It also involves personal behaviour, diversion, diffusion and de-escalation. Positive Behaviour Support Plans are a plan for the positive management of pupils who present with challenging behaviour as a result of their SEND, and as such, need the additional support.

A planned intervention is one that is described/outlined in the pupils PBSP. This should cover most interventions, as possible scenarios will be identified and planned for when the PBSP is drawn up. These interventions may include the use of Team Teach physical intervention techniques.

An emergency physical intervention may be necessary if a situation arises that was not foreseen or is uncharacteristic of the pupil. Members of staff retain their Duty of Care to pupils and any response, even in an emergency, must be proportionate to the circumstances.

Where behaviour records and/or risk assessment identifies a need for a planned approach, PBSPs are written for individual pupils and where possible, these will be designed through multi agency collaboration in conjunction with the pupil and their parent/carer. With parental consent, these plans may be shared with other agencies/services supporting the pupil to facilitate consistency of approach so far as is possible.

#### Seclusion, Time Out and Withdrawal

With reference to the DFE guidance of September 2022, the strategies of 'time out' and 'withdrawal' may be used in order to support positive behaviour. The use of withdrawal and time out are detailed in the Academy Behaviour Policy. Coop Academy XXXXX does not support the use of seclusion as a behaviour management tool. It is important to understand the distinctions between these:

- Seclusion: Where an adult or child is forced to spend time alone, unsupervised, against their will and where they are unable to leave (e.g. a locked room). Coop Academies do not support this approach.
- Time out: involves restricting the young person's access to positive reinforcements as part of their PBSP, in a room or area that they may freely leave. It does not necessarily mean time out of a room or class and can refer to a withdrawal of attention or things they find rewarding. It could be achieved by moving them to a different part of the classroom or by sending them to another class / group or quiet area
- Withdrawal: involves removing the young person from a situation which causes anxiety or distress to a location where they can be continuously observed and supported until they are ready to resume their usual activities. This can mean removing a child from the group to allow them time to calm down or to prevent a situation from escalating. This could be time in the playground, a quiet room, an office or another classroom supervised by a supportive member of staff.

#### Restrictive Physical Interventions and Risk Assessment

Both challenging behaviour and RPI will involve a risk to both staff and pupils. A risk assessment aims to balance these risks. The aim of the individual pupils PBSP and of this policy is to reduce the risks associated with pupils challenging behaviour as far as it is reasonably practicable - the risks associated with the behaviour itself and the risk of managing that behaviour. The risks of employing an intervention should be lower than the risk of not doing so.

Pupils whose challenging behaviour may pose a risk to staff or pupils will be subject to an <u>Individual Pupil</u> <u>Risk Assessment IPRA</u> and will have a PBSP drawn up as a result of this. These will be shared with all staff.

#### **Training**

Coop Academies are committed to using Team Teach. Team Teach Ltd is a training provider accredited through the Institute of Conflict Management (ICM).

#### Actions and Support after an incident

Incidents outlined in this policy often occur in response to highly charged emotional situations and there is a clear need for debriefing after the incident, both for the staff involved and the pupil. The Headteacher (or the senior teacher designated to act in their place when they are absent) should be notified of any incident immediately and will take responsibility for making arrangements for debriefing once the situation has stabilised. An appropriate member of staff should always be involved in debriefing the pupil involved and anyone injured as a result of the incident should be offered support.

All incidents of RPI should be recorded as soon as possible on the Restrictive Physical Intervention form in the appendix (attached). These can be found on Behaviour Watch / as a Google Form in xxxxxx. All sections of this report should be completed so that any patterns of behaviour can be identified and addressed. In the event of any future complaint or allegation this record will provide essential and accurate information. Witnesses (both pupil and staff) may be asked to provide a written account if appropriate. This should be kept with the RPI form.

A copy of the link to the form will be added onto the pupil's CPOMS record and logged under the category 'restrictive physical intervention/Care and control' The original may be used in order to inform individual and school risk assessments.

The Principal/Head Teacher will ensure that each incident is reviewed and investigated further as required. If further action is required in relation to a member of staff or a pupil, this will be pursued through the appropriate procedure:

- Review of the Positive Behaviour Support Plan
- Child Protection Procedure (this may involve the police and/or Social Care)
- Staff or Pupil Disciplinary Procedures
- School Behaviour Policy
- Exclusions Procedure in cases of violence or assault against a member of staff (on case by case basis see trust Exclusions Policy)

The member of staff will be kept informed of any action taken. In the case of any action concerning a member of staff, she/he will be advised to seek advice from her/his professional association/union.

A member of the leadership team or an appropriate member of staff (under the direction of the headteacher) will contact parents as soon as possible after an incident, and usually (unless exceptional circumstances prevent this) on the same day, to inform them of the actions that were taken and why, and to provide them with an opportunity to discuss it.

## Debriefing Arrangements

The pupil and the member of staff will be checked for any sign of injury after an incident. First aid will be administered to anyone who requires it, or medical treatment obtained.

The pupil will be given appropriate support after the incident and time to de-escalate. When they are ready, they will be invited to share their views and supported in giving a full account of what happened. Staff will attempt to establish the cause of the incident escalating and will look at ways that the risk of this happening could have been reduced. Where necessary, plans will be put in place to deal with future incidents (including a PBSP review; an IPRA or a new plan being drawn up). At all times, the well-being of the pupil will be at the forefront of the debrief.

All members of staff involved should be allowed a period of debrief and recovery from the incident. A senior member of staff (or their nominee) will be available to provide support to the staff involved.

The Head teacher (or their nominee) will initiate the recording process if not already under way and review each incident to ensure that any necessary lessons are learned.

## Arrangements for Informing Parents

All parents/carers will be informed at the first possible point, after an incident where Restrictive Physical Intervention has been necessary. Parents/carers will need to be notified sensitively and to be made aware of the full circumstances. If a pupil is looked after, or under a child protection plan, the pupil's social worker will also be informed of the incident.

Parents/carers will be informed of the academy's policy on positive handling and their behaviour policy.

Staff who work with particular children who have learning or physical disabilities (and who have Individual Education Plans, Individual Behaviour Plans and/or Pastoral Support Plans), may need to use specific techniques routinely to manage challenging behaviour. Such arrangements must be discussed with parents/carers in advance on an individual basis using PBSP / PIP. All interventions will be routinely recorded and monitored with the expectation that steps are taken to reduce the number of restrictive physical interventions year on year.

#### Monitoring Incidents

Whenever a member of staff has occasion to use reasonable force, this will be recorded and documented following agreed procedures described above. Monitoring of incidents helps us to analyse pupil behaviour over time so that we can see patterns and antecedents which can help us to support the pupil.

Monitoring of incidents will take place on a regular basis and the results used to inform planning to meet individual pupil and school needs.

#### Searching Pupils - Power to Search Pupils

Staff have the power to conduct a non-intimate search (i.e. instructing the pupil to empty pockets etc. and where only outer clothing is removed), and to search their lockers, bags or coats, with consent from the pupil themselves. The age and ability of the pupil should be taken into account. Parent / carer consent is not required and consent does not need to be in writing or formally recorded.

The Headteacher, and those authorised by the Headteacher, have the power to search without consent if they have reason to believe there may be "prohibited items" in the pupil's possession. This includes:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

In addition to the general power to use reasonable force described in this policy, Headteachers and those authorised by the Headteacher can use reasonable force to conduct a search for these prohibited items, if a pupil refuses a search. Force cannot be used to search for other items banned under the school rules, only those detailed above which are prohibited by law. Under these circumstances, the

Education Act 2011 extends the power of staff to search pupils without their consent. Where safe to do so, pupils will be offered the opportunity to have their parents/carers present. Coop Academy xxxxx will always carefully weigh up the likely risk of not searching a pupil, with the potential to cause the pupil distress. As with all physical intervention we always look for the minimum intervention.

The police will always be informed on the discovery of any illegal or dangerous item and efforts will be made to work with the police to determine where the item(s) came from. Wherever possible, searches will be carried out by two authorised members of staff, by staff members of the same gender as the pupil, and (in the case where lockers, desks and other personal spaces are searched) in the pupil's presence. Searches that require physical contact or use of force will always be a last resort. The member of staff should consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder. Where the risk is considered significant, they will be conducted by a trained member of staff of the same sex as the pupil, or, if possible, and preferably, by a family member. These preferences may not be possible depending on availability of staff in relation to the urgency of the situation and the potential harm that may be incurred by waiting.

A member of the leadership team or staff member (under the direction of the headteacher) will contact parents as soon as possible after an incident, normally on the same day, to inform them of the actions that were taken and why, and to provide them with an opportunity to discuss it.

For further information the DfE have provided guidance on Searching, Screening and Confiscation. There are also more details on searching and screening in the Academy Behaviour Policy.

#### Complaints and Allegations

A clear policy, that helps others to understand the purpose of physical intervention, adhered to by all staff and shared with parents, should help to avoid complaints from parents. It is unlikely to prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under the complaints, or disciplinary allegation management procedures. It is our intention to inform all staff, pupils, parents and governors about these procedures and the context in which they apply.

In the event of a complaint or allegation that a member of staff has used unreasonable force or where a child has been injured during a physical intervention, the Head teacher/Principal should in all circumstances undertake a consultation with the Local Authority Designated Officer (LADO) in line with the schools safeguarding and Child Protection procedures and the Trust Managing Allegations procedures. In addition, regional safeguarding leads and directors will also be informed.

For other types of complaints relating to an incident, the normal procedures of the school will be used and these will be made clear to all parents/carers

## Whistleblowing

Whilst the training in Team Teach provided to staff encourages the use of help protocols and reflective practice, it is acknowledged that under some circumstances, physical intervention can be misapplied. Staff are reminded that part of their Duty of Care to pupils includes the requirement to report any such matters which cause them concern in relation to pupil management and welfare. Inline with the trust Whistleblowing Policy, any such concerns should be raised with the Head teacher/Principal or other Senior Manager or the Regional Director to allow concerns to be addressed and practice improve.

## Key Legal References

This Positive Handling guidance is written with reference to the following legal concepts and documents:

- DfE Use of Reasonable Force Guidance;
- Offences Against the Persons Act 1861 (concepts of Assault, and Assault and Battery);
- Common Law concepts of false imprisonment and common law defence;
- Duty of Care;
- DfE Circular 10/98;
- The Children Act 1989;
- DoH/DfES Joint Guidance on Physical Interventions 2002;
- The Education Act 1996;
- Education and Inspection Act 2006;
- Screening, searching and confiscation advice for Headteachers, staff and governing bodies.
- Human Rights Act 1998;
- Equality Act 2010;
- Health and Safety at Work Act 1974.

#### Appendix i

# Positive Behaviour Support Plan

NAME:
SETTING/CLASS:
MEDICAL CONDITIONS: (Note any medical or physical condition that could impact on the use of physical intervention.)
TRIGGER BEHAVIOURS: (Describe common behaviours/situations which are known to have led to positive handling being required. When is such behaviour likely to occur?)
RISK ASSESSMENT COMPLETED: YES • NO •

#### PHYSICAL INTERVENTION STRATEGIES:

(Describe any strategies which have worked in the past or should be avoided.)

	TRY	AVOID
Guide		
Caring C		
Double-elbow		
Friendly escort (two person)		
Single elbow (two person)		
Figure of Four (two person)		
Double-elbow (two person)		
Single elbow to chairs		
Location of chairs		
Other (e.g. bite responses / hair pulling responses - approved by Team Teach)		

FOLLOW-UP TO INSTANCES OF RESTRICTIVE PHYSICAL INTERVENTION (Positive listening and debrief. Describe any strategies that have worked in the past. For example, how long should the child be left to calm, where should this be, who should do the debrief, where should it take place? Etc)				
RECORDING AND NOTIFICATIONS (recording and notifications required				
SIGNATURES				
School:	Name:			
Parent/Carer:	Name:			
Date:				

This record should be saved in the child record on CPOMS under the category restrictive physical intervention/Care and Control.

# Restrictive Physical Intervention

Seen by Head				Date:				
Name of Child								
Name of Child					Year Group	·		
Date						Time		
Place						Length of R	RPI	
Names of staff involved:								
Names of any witnesses:								
	Reason for intervention: to prevent a pupil from doing or continuing to do:							
Committing a criminal offence	Э	C	Damage to	o propei	rty			
Injury to themselves or others	S	(	Behaviour prejudicial to maintaining good order and discipline				0	
Describe the lead up to	the	incide	nt/behaviour	r				
De-escalation Technique	s U	sed						
Verbal Advice and Support	0	Humou	r		0	Distraction	0	
Reassurance	0	Options	s Offered/choice	es	0	Step Away	0	
Calm Talking	0	'Time o	ut' offered		0	'Time out' directed	0	
Non threatening body language	0	Other (	olease specify)				·	

	Coop Academies no
Details of the incident	
Form of physical intervention	
One person techniques	Two person techniques
Guide -	Friendly Escort -
Caring C •	Single Elbow •
Double Elbow •	Double Elbow •
Other e.g. bite response (please specify)	Figure of Four •
	Single Flhow to Chairs

#### Injuries/damage caused

Child checked by:	Injury Suffered by Child	No 🗆	
	Treatment Required	Yes 🗆	No 🗆
Referred to First Aider: Yes • No •	Specify:		
Referred to GP • Hospital •			
Parent/carer informed by Phone - Letter -	Damage to Property	Yes 🗆	No 🗆
Injury suffered by staff Yes • No • (Specify)	Details:		

#### Action Taken

Follow-up talk	0	Call to parent/guardian   Letter to parent/guardia		Letter to parent/guardian	0
Complete work missed	0	Referred to Police	0	Exclusion	0
Returned to Class	0	Other Sanction			
Child's view of incident and use of RPI					
Staff signature			Dat	re:	

This record should be saved in the child record on CPOMS under the category restrictive physical intervention/Care and Control.