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# What is physical intervention and how should it be used in Scottish schools?



## Introduction



All children and young people have the right:

- to be cared for
- to be protected from harm
- to grow up in a safe place
- to have their rights respected
- to have their needs met

These are **principles** that the Scottish Government uses in the work of:



- learning support
- child protection policies that keep children and young people safe from harm
- and ‘Getting it right for every child’(**GIRFEC**)

**Principles** are standards that an organisation believes in and how they want to work.

**GIRFEC** is Scottish Government guidance on how to support children and young people to get the right help, at the right time, from the right people.





Scottish Government principles follow laws and conventions including:

- the **United Nations Convention** of the rights of the child
- the human rights act
- the equality act



The **United Nations** is an organisation that works with countries to keep peace and security across the world.

A **Convention** is an agreement that means countries will protect human rights in the same way for everyone.



Article 19 of the United Nations Convention of the Rights of the Child says that children and young people have the right to be protected from being hurt or treated badly.



The Scottish Government want children and young people to have positive places to learn where they feel included.

All learners should be safe and protected in a space where they are encouraged and supported to learn.



Children and young people who have additional support needs must be well understood and given the help they need.



This support is covered by:

- the additional support for learning act 2004
- and 'Getting it right for every child' guidance

## Children and young people's human rights



Human rights belong to every person in the world, from birth until death.

Human rights make sure people are treated fairly and with dignity and respect.

Staff must protect people's rights when they are providing support.



Human rights are set out in the Human Rights Act 1998.

Children's human rights are set out in the United Nations Convention on the Rights of the Child (UNCRC).

These articles in the European Convention on Human Rights are relevant to the use of restraint:



- Article 3: Freedom from torture and treating you without respect
- Article 5: Right to freedom and safety
- Article 8: Respect for your private and family life, home and how you communicate with people
- Article 14: Protection from being treated unfairly

## What is physical intervention?



Physical intervention means doing something physical that will change or stop what a child or young person is doing.

It includes **restraint** as well as **non-restrictive interventions**.

**Restraint** means stopping a child or young person from moving, having freedom or being able to move on their own.



**A non-restrictive intervention** could happen:

- to help learning or communication
- to provide assistance, support or comfort



Non-restrictive physical intervention can be used when it has already been agreed as part of a child's plan or in response to education or wellbeing needs.



Restraint should only be used when there is no other way of protecting a child or young person from harming themselves or others.



All decisions to use physical intervention are made when it is right for the pupil.



Schools have a duty of care.

This means they must protect children and young people and keep them safe from harm.

## What are different types of physical intervention?



**Restraint:** stopping a child or young person from moving, having freedom or being able to move on their own.

Restraint involves a risk of being hurt and it is not good for someone's wellbeing – feeling comfortable, healthy and happy.



**Physical restraint:** Using physical force to limit someone's freedom to move.

**Mechanical restraint:** Using equipment to limit someone's freedom to move.



**Seclusion:** Moving a child or young person so they are in a space on their own, away from other children and young people, and they cannot leave.



**Withdrawal:** when a child or young person moves away from something they are finding difficult.

They move to a place where they feel happier and calmer.



They are free to move to another space if they would like to.

A pupil can decide to move or a member of staff can ask them to do it.



## Working to make sure restraint is not used often

### 1. Making sure all children and young people get the support they need to meet their learning needs



This way of working involves supporting children and young people with:

- their speech, language and communication
- sensory needs – how someone responds to sound, touch, taste, or smell.
- neurodevelopmental needs like learning disability or autism.



This way of working must involve children and young people, parents, carers, staff and other organisations where needed.

## 2. Finding ways to make sure restraint is not needed



Creating a school that works to have positive relationships, behaviour and wellbeing using assessment and planning.

This includes ways of working:

- that prevent a child or young person from becoming distressed
- that help a child or young person respond to distress in ways that do not involve restraint.

Staff should work in a trauma informed way.

Trauma informed means realising that someone may be behaving in a certain way because of difficult things that have happened to them in the past.

Staff should be supported to do training on trauma informed practices, which can prevent restraint.



### 3. Restraint must not be used a lot in schools



Restraint must only be used when there is no other way of protecting a child or young person from harming themselves or others.



Restraint should be the last course of action.



It must:

- be done safely and with care by trained staff
- stop someone from moving as little as possible
- happen for a very short time.



Restraint must not be used as a punishment.

It should not be used to make someone feel sad or worthless.

## 4. Giving support after restraint is used



Support should be given immediately after restraint is used.

There must also be a learning review later involving the child or young person to check if they are getting the right support.



The review should look at ways to make sure restraint is not needed in the future.



The child's plan should be changed to include the new information.

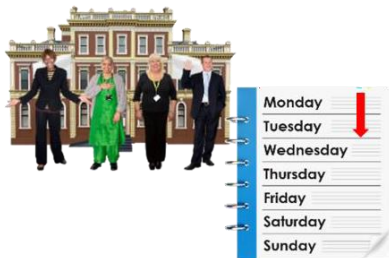
## 5. Keeping notes when restraint is used



- notes about restraint must be made before 2 working days have passed since the restraint happened



- parents and carers must be told about the restraint on the same day or before 24 hours have passed



- the local authority, managers or owner of the school must be told about the restraint before 2 working days have passed.



- if a child or young person has been injured, child protection procedures should be followed.



Facts and figures about when restraint is used must be checked.

Schools must be supported to make sure restraint is not used a lot.

## Who is responsible for what work?



Education organisations are:

- education authorities like local councils
- managers of schools that get a Government grant
- owners of independent schools

## Education organisations are in charge of everything for:



- support for learning services
- making sure schools follow Human Rights and Equality laws
- making sure children, young people and staff are cared for and safe in schools
- making sure organisations work together to plan what money, materials and staff are needed
- agreeing the education provider's physical intervention policy
- checking information about when and where restraint is used
- staff training
- investigating complaints about the use of restraint



## Headteachers are in charge of what happens each day:



- making sure children, young people and staff are cared for and safe in schools
- support for learning services
- making sure the school's physical intervention policy happens
- leading staff to make sure work is done to meet children and young people's needs
- recognising and respecting the rights of children and young people

## School staff are in charge of:



- supporting the health, safety and wellbeing of children and young people
- following the information in their school's physical intervention policy
- recognising and respecting the rights of children and young people