



Education Workforce Council

Guide to good practice with 'appropriate touch', handling and restraint

September 2018

1.0 Introduction

Education practitioners are more fearful today of having allegations of physical (or sexual) harm or impropriety made against them, not least because a false allegation can have a lasting, damaging effect on an individual's reputation and integrity as a professional.

The appropriate touching, handling and restraint of learners is important when necessary and proportionate, but it is also a risk.

Avoiding these risks, particularly in specialised educational environments such as special schools, youth work and those involving very young children, where the need to physically touch a learner is almost inevitable and frequent, really does rely on sound judgement, training, knowledge and experience. All must play a fundamental role in day to day 'touch decisions' to avoid situations where a learner calls your conduct towards them into question.

This guide is intended to help you enhance your self-awareness in this area of working life.

Impact of allegations of 'inappropriate touch'

At the heart of the education practitioner's role is to inspire learning; many techniques are therefore used. For example:

- physical demonstration
- role-play
- facilitation
- physical education
- 1:1 mentoring
- reinforcement, praise, recognition
- interactive play
- off-site trips

to name but a few. Intertwined with this fundamental role is the duty of care a practitioner must discharge towards every learner where behavioural, safeguarding, medical and pastoral issues arise. Combined, a practitioner has a potentially complex set of scenarios where physical contact is desirable or unavoidable, and careful decisions must be made.

Situations leading to physical contact in the learning environment can also arise very suddenly, calling for quick decisions to be made in a matter of seconds.

Allegations of inappropriate touch, manhandling or a restraint 'gone wrong' can arise in many different educational scenarios. This may be because the learner genuinely feels uncomfortable or harmed in a physical or emotional way, or it is perceived as such by others. There does not need to be intent on the practitioner's part. Regardless, such a complaint can be damaging, not least because, where a child is involved, it may trigger safeguarding procedures in line with national guidance, leading to the potential for suspension and internal investigation.

Even if there is no intent proven, the practitioner may still be found to have breached established practice, policies and procedures given the educational environment in which the breach occurred, and the individual needs of the learner.

Even if no findings of misconduct are made, a practitioner may still find their reputation is harmed by the allegation being made at all.

This being the case, and as a registrant, you must take a personal responsibility for your physical conduct. Any physical contact you make with a learner must be informed by your training, knowledge, experience and the local/national policies and procedures in place at the time, and those specific to the learner if applicable.

2.0 The expectations placed on you as a professional

All Education Workforce Council (EWC) registered practitioners are subject to the Code of Professional Conduct and Practice which sets out the key principles of good conduct and practice for registrants. This guidance should be read in conjunction with the Code which can be downloaded from the EWC's website.

The Code states:

'Registrants follow policies, procedures and guidelines on matters such as communication with learners, **physical contact**, **behaviour management**, inclusion, access and equality of opportunity;

2.1 Local and national protocols

(Welsh Government / school, local authority, institution organisation or business)

Whether your employer has a 'no touch' or 'appropriate touch' policy, you must take a personal responsibility for finding out which approach is adopted. If there is no clear protocol, ask your employer to set out the expectations it places upon you.

Protocols may also be embedded in other policies, such as the behaviour/discipline, positive handling, physical intervention, reasonable force, health and safety, administration of medication, personal care, first aid, healthcare needs. In a specialised educational environment, there additionally should be manual handling protocols in place where, for example, disabled learners need to be lifted or moved.

Your responsibility to build your awareness also applies to your employer's safeguarding/child protection policy, and the All Wales Child Protection Procedures (AWCPP).

The Education Workforce Council has no place to provide advice on such protocols, but strongly encourages you to be conversant with those referred to above, and any amendments to them.

2.2 General principles – protecting yourself

As a practitioner with daily or frequent contact with learners, you should:

Familiarise and understand the protocols in place applicable to your role, employment and educational setting

- Read the policies carefully;
- Understand your role and responsibilities within the policies;
- Ask questions if you are not clear about what you are expected to do in certain situations;
- Understand what to do / who to speak to when problems or unusual events arise.

If you are not given any protocols or policies, ask for them, including any amendments. Don't let ignorance make you vulnerable.

Apply protocols appropriately

If:

- you forget when and how to apply the protocols;
- you err in judgement;
- you feel a situation has arisen which you have not handled well, and/or may be misunderstood;
- something prevents you from applying the protocol as you should;
- for any other reason, things go wrong; or
- you witness something which you consider to be outside protocol,

make it known to your line manager as soon as possible, and put your account of events in writing.

If you cannot report it locally for any reason, speak with your trade union first *unless* you have an immediate safeguarding concern which could place a learner at risk, and that which therefore requires immediate intervention under the AWCPP.

If you are not a member of a trade union, you should still try and ask for advice from someone you trust before disclosing anything.

Be proactive

- Know your learners. Know their behavioural, medical, educational, emotional needs where necessary;
- Know if learners have specific plans / agreements in place. For example, a Positive Handling Plan (PHP), an approach agreed with the parents/carers or the learner, and/or a one page profile detailing the individual needs of the learner. (This will be statutory for all Additional Learning Needs (ALN) learners under the ALN Act).
- Consider cultural and religious issues;
- Ask for training if you do not feel equipped to follow the policies in place. For example, Team Teach training;

- If you cannot attend scheduled training for a course about touch, handling or restraint, ask your employer to rearrange it as soon as possible. This also applies to refresher training;
- Know who is similarly trained in your workplace, and know how to alert them to a situation if you need help urgently;
- Find out what 'reasonable force' means within the context of your employment, and when it is legally acceptable to use it. For example, to prevent a learner from harming themselves;
- Be aware of the risks of being 1:1 with a learner;
- Conduct physical activities such as sports in locations where you can be seen by others;
- Acknowledge there may be situations where a learner initiates physical contact with you, and given your training, knowledge and experience, plan how you would deal with that given the protocols in place. You are responsible for maintaining professional boundaries;
- Understand how safeguarding procedures work in your employment, and nationally;
- Know your reporting responsibilities if things go wrong, who to speak to and what records you need to create;
- Fully document an incident as soon as possible after it happens; and
- If you are not already a member, consider joining a union relevant to the work you do.

Think before you act

Breathe for a few seconds if you can to accurately assess the situation and evaluate risks, based on the prompts below:

- Remind yourself of the protocols in place, and the expectations placed upon you in this respect by your employer;
- Remember your training;
- Revisit what reasonable, proper and necessary physical contact means in the context of a situation, and the learner;
- Revisit when, and when not, to apply techniques involving physical restraint;
- Revisit when it is acceptable to use 'reasonable force' within the context of your employment; and
- Therefore apply sound judgment to a situation, taking all relevant issues into account;
- If you do not feel equipped to deal with any situation which may lead to physical contact or intervention, ask for help immediately.

Remember:

- your position as a professional;
- your conduct is your responsibility;
- the importance of maintaining professional trust and confidence between you and learners by keeping a professional distance;
- your responsibility to learners.

3.0 Examples of cases investigated by the EWC

The examples below are some of the cases referred to the EWC for investigation relating to touch, handling and restraint. These are illustrations of where practitioners have breached the Code of Professional Conduct and Practice.

A registrant:

- grabbed, hit, slapped, pulled, pushed, pinched and struck learners causing red marks and bruises;
- was convicted of assault for dragging a learner across the floor by his arm;
- used inappropriate levels of force by holding a learner by the neck or shoulder area of his clothing and pushing him up a flight of stairs;
- hit a learner to the head and hands with a notebook in the classroom, against the disciplinary policy, after the learner refused to follow instructions;
- sellotaped a learner's hands to a ball, to a desk, to a chair;
- inappropriately touched a learner's face, feet, lifted her off the floor, allowed her to climb on his back, sit between his legs, stand on his hands, stand on his chest;

4.0 How we can help you further

- The EWC offer presentations which focus on fitness to practise. If you or your employer would like to arrange one in your school or college, institution, organisation or business, please contact (information@ewc.wales);
- The EWC's Code of Professional Conduct and Practice for Registrants with the Education Workforce Council, and Information about the EWC's fitness to practise work can be found on its website www.ewc.wales/fitness-to-practise
- Any queries should be referred to the Fitness to Practise Team at fitnesstopractise@ewc.wales