

POLICY DOCUMENT: PHYSICAL INTERVENTION POLICY

REF NO: HAT/POL/TP/018

DOCUMENT OWNER: S FOSTER

DATE: OCTOBER 15

1.1

Legal Framework

Physical intervention should be limited to emergency situations and used only in the last resort. Section 93 of the Education Act 2006, DCSF 'The Use of Positive Force to Control or Restrain Pupils' April 2009 and DfE: Use of reasonable force July 2011 allow teachers, and other members of staff at a school who are authorized (please see Appendix 5) by the Senior Management Team, to use such force as is reasonable in circumstances where the pupil may need to be prevented from engaging in behaviours which are likely to cause injury to themselves, others or damage to property. The guidance extends this to maintaining good order and discipline, for both on-site and off-site activities.

Physical intervention should only be used when all other strategies which do not employ force have been tried and found to be unsuccessful **or in an emergency situation.**

Definitions:

Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.

Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

There is no legal definition of reasonable force. The Criminal Law Act (1967) allows any person to use such force as is reasonable in the circumstances to prevent an offence (e.g. physical assault) being committed. Reasonable minimum force must be a matter of personal judgement. All teachers have a professional 'duty of care' within their job description which is underwritten by paragraphs 58.7 of School Teacher's Pay and Conditions Document 2002. Together with the legislative framework this enables teachers and other members of staff in the school, authorised by the Senior Leadership Team (see Appendix 5), to use such force as is reasonable in the circumstances, to –

Remove disruptive children from the classroom where they have refused to follow an instruction to do so.

Prevent a pupil behaving in a way that disrupts a school event or a school trip or visit.

Prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others.

Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground.

Restrain a pupil at risk of harming themselves through physical outbursts.

The staff to which this power applies are:

- Any member of staff at the school;

- Any other person whom the Head Teacher has authorised to have control or charge of pupils. This can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as unpaid volunteers (for example parents accompanying pupils on school-organised visits) **This does not include any pupils.**

The power may be used where the pupil (including a pupil from another school) is on the school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

Those exercising the power to use force must also take proper account of any particular special educational need (SEN) and/or disability that a pupil might have. Under the Disability Discrimination Act 1995 schools have two key duties:

- not to treat a disabled pupil less favourably, for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification; and
- to take reasonable steps to avoid putting disabled pupils at a substantial disadvantage to pupils who are not disabled.

1:2

What does it mean to restrain a child?

Physical intervention is the positive application of force with the intention of protecting the child from harming himself or others or seriously damaging property. The proper use of Physical intervention requires skill and judgement, as well as knowledge of non-harmful methods of restraining.

The decision to use Physical intervention as restrictive physical intervention must take account of the circumstances and be based on an assessment of the risks associated with the intervention compared with the risks of not employing a restrictive intervention. The physical intervention must also only employ a reasonable amount of force – that is the minimum force needed to avert injury or damage to property, or to prevent a breakdown in discipline – applied for the shortest period of time.

1:3

Why use restraint?

Physical intervention should avert danger by preventing or deflecting a child's action or perhaps by removing a physical object, which could be used to harm him/herself or others. Physical intervention skilfully applied may be eased by degrees as the child calms down in response to the physical contact. It is only likely to be needed if a child appears to be unable to exercise self-control of emotions and behaviour.

2:1

General aims

The staff in Catcote recognise that the use of reasonable force is only one of the strategies available to secure pupil safety/well-being and also to maintain good order and discipline.

Our policy on the use of reasonable force is part of our overall pastoral care procedures and closely related to our policies on managing pupil behaviour in the Catcote Behaviour Policy

2.2

The Aims

- To protect every person in the school community from harm
- To protect all pupils against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful
- To provide adequate information and training for staff so that they are clear as to what constitutes appropriate behaviour and to deal effectively with violent or potentially violent situations
- To use the minimum degree of force necessary to accomplish Physical intervention
- To give full support to staff who have been assaulted or have suffered verbal abuse from pupils or others
- To maintain accurate records of incidents where Physical intervention has been employed

3:1

Risk assessment

Although most young people in Catcote will never require any form of Physical intervention, staff may have to deal with some young people who exhibit disturbed, distressed and distressing behaviour. It is therefore necessary to carry out risk assessments. We will attempt to reduce risk by managing:

- The environment
- Body language
- The way we talk
- The way we act

3:2

Environmental Risk Assessment

We will complete a risk analysis within the school and put in place strategies to minimise these risks in identified locations.

3:3

Individual Risk Assessments

The school's respect for the rights of the individual takes into consideration the context of The Human rights Act (1998) and The United Nations Convention on the Rights of the Child

(1991). The school's ethos and the guidance in this policy is based on the presumption that every adult and child is entitled to:

- Respect for his/her private life
- The right not to be subjected to inhuman or degrading treatment
- The right to liberty and security: and
- The right not to be discriminated against in his/her enjoyment of those rights

If we become aware that a pupil is likely to behave in a disruptive way that may require the use of reasonable force, it is our intention to plan how to respond if the situation arises. Such planning needs to address:

- Managing the pupil (e.g. reactive strategies to de-escalate a conflict, holds to be used if necessary);
 - Involving the parents to ensure that they are clear about the specific action the school might need to take;
 - Briefing staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance);
 - Ensuring that additional support can be summoned if appropriate
 - If physical intervention is likely to be necessary this should be included in the pupil's Individual Behaviour Handling Plan (IBHP) together with information on: de-escalation strategies; the manner in which the pupil will be held; how support can be summoned if needed; any medical factors to be considered.
 - Individual risk assessments can be found in the students folders and are updated termly and in the event of new behaviours presenting themselves In the event of physical intervention having been used it is important to consider the strategies, which are deemed acceptable, and the recording procedures that should be in place.
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4:1 Procedures

In the event of physical intervention having been used it is important to consider the strategies, which are deemed acceptable, and the recording procedures that should be in place.

4:2 Action steps

1. Tell the student who is misbehaving to stop and state possible consequences of failure to do so;
2. If possible summon another adult;
3. Consider moving the student away from the situation or moving peers if their presence is affecting the situation
4. Continue to communicate with the student;
5. Make it clear that restraint will be removed as soon as it ceases to be necessary;
6. Appropriate follow-up action should be taken, which may include;
 - i) Providing medical support/advice
 - ii) Providing respite for those involved

A calm and measured approach to a situation is needed and staff should never give the impression that they have lost their temper or are acting out of anger or frustration when handling a problem.

4:3 Recording

Staff should record (Appendix 3) all incidents of restraint in accordance with School Policy and report these to the designated manager responsible.

Details should include

- Name of student(s) Staff member(s) involved
 - Factors necessitating physical intervention
 - The strategies which were employed prior to using physical intervention
 - How physical intervention was effected
 - The outcome of restraint
 - Any other action taken in the management of the incident
 - Details of any injury to any party
-

Section 246 of the *Apprenticeships, Skills, Children and Learning (ASCL) Act 2009* requires that governing bodies must ensure that a procedure is in place for recording each significant incident in which a member of staff uses force on a pupil; and reporting each such incident to each parent of the pupil as soon as practicable after the incident.

Therefore **each** parent or carer should be contacted as soon as possible and the incident explained to him or her. This action should also be recorded on the SIR form and in the students individual student correspondence records along with a report placed on SIMMS Behaviour Management.

In the event of not being able to contact parents/carers a letter should be sent in the post to inform them of the incident and invite them to contact school (Appendix 3). This is only done with the Head teachers permission

However, the member of staff must not report the incident to a parent if it appears to that member of staff that doing so would be likely to result in significant harm to the pupil. If that is the case and there is no parent of the pupil to whom the incident could be reported, then the incident must be reported to the local authority where the pupil normally lives.

In this case the member of staff should therefore report the incident the school Safeguarding Officer, who will take the situation forward to the Duty Care team in Hartlepool

5:1 Complaints

We all have a duty of care to the young people in our school and cannot escape our legal responsibilities by avoiding taking appropriate and necessary action. Involving parents when an incident occurs with their child, together with a clear policy adhered to by the staff, and should help to avoid complaints from parents/carers. It will not prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or by the police and Children's Services Department under child protection measures.

Staff subjected to physical violence or assault, have the right to be supported in making a formal complaint to the police and, if necessary, taking private action against an assailant.

It is our intention to inform all staff, students, parents/carers and governors about these procedures and the context in which they apply.

We will review this policy annually and in the light of the publication of new government legislation.

Remember that adhering to the principles and procedures referred to in this policy statement is part of effective practice and should minimise risk to young people in our care and enhance our own self-protection.

6:1 Statement for parents

In keeping with our home/school partnership, we will inform all parents/carers of our policy on Physical Intervention.

The statement will highlight:

- Our emphasis on care and protection for everyone within our school community
- Our belief that restraint will be needed on very rare occasions
- Our endeavour to handle situations with care and responsibility
- Our intent to apply follow-up and repair strategies

The statement will outline:

- When staff are authorised to use reasonable physical intervention
 - What steps will be taken after an incident has been dealt with
 - The responsibilities of staff, students and parents/carers in resolving situations
-

Appendix 1

When might it be appropriate to use reasonable force?

- To prevent a pupil from attacking a member of staff, or another pupil, or to stop a fight between two or more pupils;
- To prevent a pupil from causing deliberate damage to property;
- To prevent a pupil causing injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- To ensure that a pupil leaves a classroom where the pupil persistently refuses to follow an instruction to do so;
- To prevent a pupil behaving in a way that seriously disrupts a lesson; or
- To prevent a pupil behaving in a way that seriously disrupts a school sporting event or school visit.
-

What about other physical contact with pupils

- It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.

Examples of where touching a pupil might be proper or necessary

- Holding the students hand to walk round school;
- When comforting a distressed pupil;
- When a pupil is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching; and
- To give first aid.
- To assist students with moving between classes

Appendix 2 Strategies

All teachers need to be aware of strategies and techniques for dealing with difficult students and steps, which they can take to diffuse and calm a situation.

- Move calmly and confidently.
- Make simple, clear statements.
- Intervene early.
- Try to maintain contact.
- If necessary summon help before the problem escalates.
- Remove audience from the immediate vicinity.

There are situations where staff should not intervene without help. Assistance should be sought when;

- The incident involves a physically large or strong student,
- More than one pupil is involved, or
- When the teacher believes that s/he may be at risk of injury.

In these circumstances where the member of staff has decided that it is not appropriate to restrain the student without help they should:

- Remove other students who might be at risk
- Summon assistance from colleagues
- Where necessary, telephone the police
- Inform the student(s) that help will be arriving
- Until assistance arrives, the member of staff should continue to attempt to diffuse the situation orally, and try to prevent the incident from escalating.

The method of restraint employed must use the **minimum of force** for the **minimum time** and must observe the following requirements:

Restraint must NOT:

- Involve hitting the student;
- Involve deliberately inflicting pain on the student;
- Restrict the student's breathing;
- Involve contact with sexually sensitive areas.

During any incident the person applying the physical intervention should:

- Offer verbal reassurances to the student;
- Cause the minimum level of restriction of movement;
- Reduce the dangers of any accidental injury;

Physical intervention can take several forms. It might involve staff:

- Physically interposing between students;
- Blocking a student's path;
- Holding;
- Leading a student by the hand or arm;
- Shepherding a student away by placing a hand in the centre of the back; or
- (In extreme circumstances) using more restrictive holds.

Some Do's and Don't's

DO

- Be aware of any feelings of anger
- Summon help
- Continue to talk to the student in a calm way
- Provide a soft surface if possible
- Be aware of any accessories worn by the student or yourself
- Hold the student's arms by his/her sides

DON'T

- Try to manage on your own
- Straddle the student
- Push arms up the back
- Touch the student near the throat or head
- Put pressure on joints

Appendix 3 Reporting and Recording Proforma

CATCOTE ACADEMY

Physical Intervention Form

| | | |
|-----------------|-------------------------|-----------------------------------|
| Student's Name: | Class: | Time: |
| Date: | Compiler: Signature: | Duration of Physical Intervention |
| Location: | Day of week | SIB ref Number |

STUDENT BEHAVIOUR:

| | | | |
|-------------------|--|--------------------------|--|
| Kicking | | Head butting | |
| Punching | | Absconding | |
| Biting | | Defiance | |
| Spitting | | Threats | |
| Disruptive | | Abusive language | |
| Damaging property | | Throwing/ Destruction | |
| Pushing/pinching | | Bullying | |
| Self harm | | Other | |
| | | | |

ANTECEDENTS:

BEHAVIOUR:

| Estimated reason for behaviours displayed: | | | |
|--|--|-------------------------------|--|
| Substance misuse | | Anger | |
| Frustration | | Learned behaviour | |
| Peer dynamics | | Conflict | |
| Medication issues | | Psychological/ psychiatric | |
| Failure to anticipate/accept consequences | | | |

Actions Taken:

DE-ESCALATION USED:

| | | | | | |
|---------------------|--|--------------------------|--|-------------|--|
| Humour | | Calm talking/distraction | | Time out | |
| Reminder of Success | | Removal of audience | | Persuasion | |
| Tactical ignoring | | Limits/consequences | | Negotiation | |
| Change of adult | | Advice & support | | Other | |

TO BE COMPLETED IF ANY FORM OF PHYSICAL INTERVENTION HAS BEEN EMPLOYED:

DID YOU COMPLETE A DYNAMIC RISK ASSESSMENT CONSIDERING ALL PARTIES?

WHAT DO YOU THINK WOULD HAVE HAPPENED IF YOU HAD NOT USED PHYSICAL

INTERVENTION?

| | |
|-----|----|
| yes | No |
|-----|----|

REASON FOR PHYSICAL INTERVENTION:

| | | | |
|---|--|---|--|
| Committing a criminal offence | | Prevent/interrupt absconding which could place them or others in danger or risk of danger | |
| Causing personal injury | | Causing damage to property | |
| To ensure that the pupil leaves a classroom or work area if posing a danger to themselves or others | | To move student from A to B for their own safety or the safety of others | |
| Prejudicing the maintenance of good order and discipline | | To protect the safety of the student and staff from the danger of injury | |

NATURE OF PHYSICAL INTERVENTION USED: SINGLE ELBOW/DOUBLE ELBOW/WRAP/SHIELD ETC

| Sequence: | Technique Used | Position: | Minutes: | Number of Staff | Names: | Witnesses: |
|-----------|----------------|-----------|----------|-----------------|--------|------------|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Use These to Help Above

| Technique used | Technique used |
|---|--|
| TT single elbow | TT T-wrap (With Legs) |
| TT figure 4 | TT head support |
| TT double elbow | TT shield |
| TT Caring C Guide | TT ½ Shield |
| TT Front Ground recovery | TT Shield to Cradle |
| TT Guide | TT Shield to FGR with leg support and critical friend |
| Location of support | Technique used |
| Supported sitting on 3 chairs | Supported whilst standing/walking <ul style="list-style-type: none"> ○ Single elbow ○ Figure 4 ○ Double elbow ○ Wrap ○ Shield |
| Supported on floor – child dropped to floor | |
| Supported on floor – child taken to ground | |
| | |

Post incident support

How was the pupil calmed after the incident?

- Quiet time allowed
- Praised for appropriate/on task behaviour
- Other- please state:
- Incident discussed with pupil at level appropriate to their understanding
 - By whom?
- Pupil's views recorded via symbol sheet

INJURIES:

| | | | |
|--|-------------------|---------------|----------------|
| Were any parties injured? | Please circle.... | Staff: YES NO | Pupils: YES NO |
| Details of any injuries _____ (please complete body map on attached page) | | | |
| Medical consultation MUST be offered. Response to offer: YES NO | | | |
| If not accepted, assessment of possible injury by qualified first-aider sought? YES NO | | | |
| Medical attention given? | | | |
| All injuries (staff/students) must be recorded on an accident form | | | |

PARENTS/CARERS INFORMED? YES / NO BY WHOM? _____

INFORMED BY TELEPHONE LETTER INVITED TO SCHOOL

REPORTED TO STEPHEN FOSTER TRACEY KELLY

DATE: TIME: BY:

| | Yes | No | | Yes | No |
|---|-----|----|---|-----|----|
| Was sufficient/appropriate de-escalation used? | | | More details of Antecedents /behaviour ? | | |
| Was there time to use de-escalation | | | Is the reporting complete & comprehensive? | | |
| Were there grounds for physical intervention? | | | Was physical intervention used reasonably? | | |
| Were approved TT interventions used? | | | Was physical intervention absolutely necessary? | | |
| Has appropriate/sufficient post incident action been taken in | | | Do all aspects comply with Centre policy? | | |

Staff signatures

| | | | |
|------|------|------|------|
| Sign | Sign | Sign | Sign |
| Sign | Sign | Sign | Sign |

TO BE COMPLETED IN THE EVENT OF FRONT GROUND RECOVERY BEING EMPLOYED (includes visual body maps)
PRONE/SUPINE: (Ground holds should only be used and monitored by advanced team-teach trained staff)

| | | | |
|---|--|---------------------------------------|--|
| Did student go to ground independently? | | Was student taken to ground by staff? | |
| Number of staff: | | Names of staff: | |
| Prone/supine: | | Duration of hold: | |

GROUND HOLDS: MONITORING

| | | | | | |
|--|-------------|-----------------------------|-------------|-----------|-------------|
| Duration of hold | | Certified staff monitoring: | | | |
| Please initial in the boxes below when monitored.... | | | | | |
| 5 mins | | 30 mins | | 60 mins | |
| Breathing | circulation | Breathing | circulation | Breathing | circulation |
| | | | | | |

LIFE SPACE INTERVIEW:

Completed by:

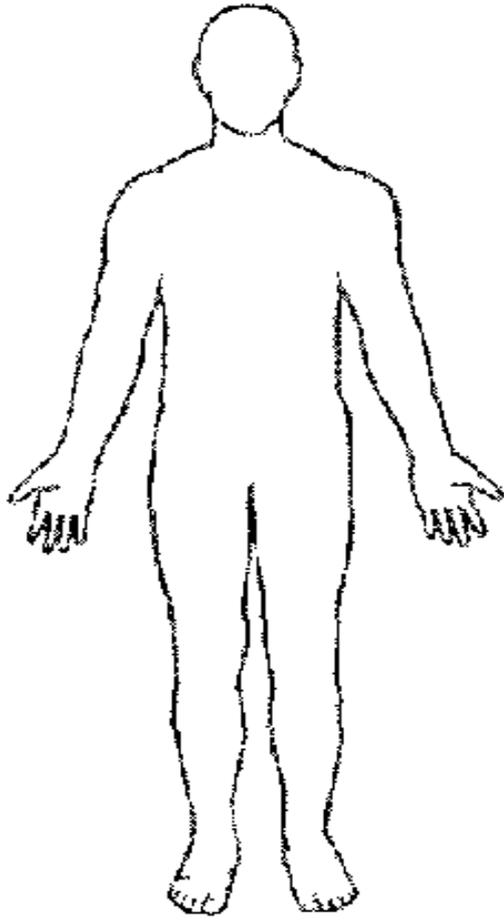
This report must be explained to the young person, during or subsequent to the LSI, and witnessed here (record any dispute of detail on continuation sheet)

Signed(interviewer at LSI) Signed (student)

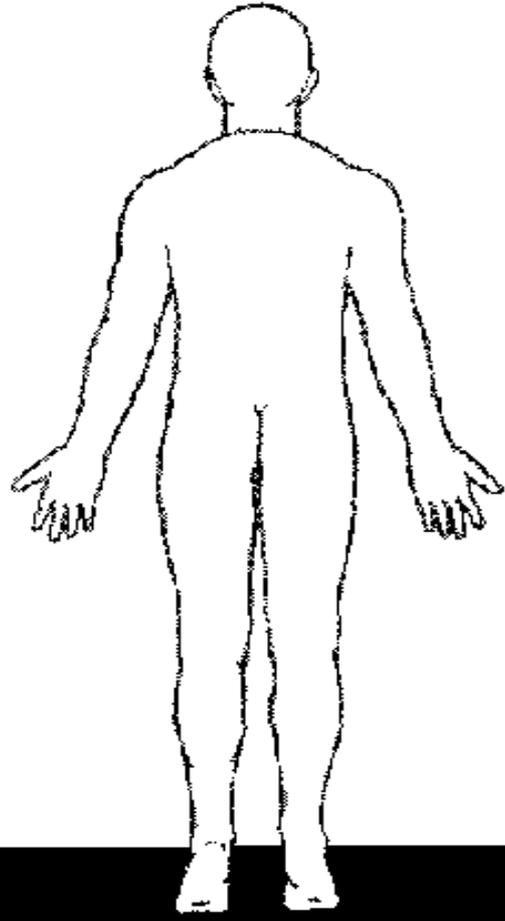
STUDENT RESPONSE: (Gestures and pictorial pictures can be noted in this section on behalf of the student)

To be completed if any party was injured during the incident or necessary restraint.

Injured party name: _____



Front



Back

Appendix 3 Reporting and Recording Proforma

Date:

Dear,

Unfortunately _____ had to be physically controlled today in order to prevent him/her from

- Causing injury to himself
- Causing injury to others
- Disrupting the good order of the school
- Damaging property
- Committing an offence
- Absenting from school premises

Our intervention procedure complies with the law, joint DFES and DHS guidance 2010, the LA policy and Calcote policy on the use of physical intervention 2010 and has been logged in our records.

- It was checked that your child was not hurt
- He/she was seen by a trained First Aider
- Your child was checked and had sustained _____.
Medical attention was sought.

This may have been distressing both for your child and the members of staff involved. Please feel free to contact us if you wish to discuss the incident further.

Yours truly,

Stephen Foster
Telephone 01429 264 036 main line

Appendix 4: Training

- i) It is the responsibility of the Senior Leadership Team to ensure that staff are fully informed of the school policy and understand what authorisation entails.
- ii) It is the responsibility of the Senior Leadership Team to arrange training or guidance to staff, possibly through a senior member of staff.
- iii) An up-to-date list of authorised staff should be maintained within school and teachers should know who they are.
- iv) Catcote Academy uses Team-Teach to deliver training to named staff in the effective use of de-escalation and/physical intervention. Team-Teach is a whole setting holistic approach to managing difficult or disturbing behaviours. It is accredited by the British Institute of Learning Disabilities (B.I.L.D) and is affiliated to and moderated by the National Control and Restraint (General Services) Association.
- v) Additional advice and support on managing behaviour can be provided through the Educational Psychology Service or Behaviour Support Service.

Appendix 5: Authorised Staff

The statutory power conferred by Section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence, to prevent another person from being injured or committing a criminal offence. The DCSF guidance 'The Use of Force to Control or Restrain Pupils' replaces and supersedes DfES Circular 10/98. Like the relevant legislation it applies to all schools.

The Head Teacher and Senior Management Team should identify people, other than teachers, whom they wish to authorise to have control or charge of pupils and therefore be able to use force if necessary. Authorisation may be on a permanent or long term basis because of the nature of the person's job, or short term for a specific event such as a school trip. The SLT should explicitly inform the people concerned, and ensure that they are aware of and properly understand what the authorisation entails. To ensure that, the SLT may find it helpful to arrange for a senior member of the teaching staff to provide training or guidance. They should keep an up-to-date list of authorised people and ensure the teachers know whom they are.

Stephen Foster
Evaluated and Updated
October 2015

References used in drawing up this policy;

The Human Rights Act 1998

The United Nations Convention on the Rights of the Child (1991).

The Disability Discrimination Act 1995

DCSF Guidance 'The Use of Force to Control and Restrain Pupils' 2007

DfE Use of Reasonable Force 2012

Apprenticeships, Skills, Children and Learning (ASCL) Act 2009

Education Act 2006 / 2011

SEND code of practice 2014

BILD code of Practise 2014