



Physical Intervention Policy

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Signed (Chair of Governors)		
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Terminology

For the purpose of this policy to be successfully met it is important to define key terms. The distinction for instance between restraint and intervention often causes confusion and from the outset physical intervention should be thought as the 'umbrella' term under which physical restraint sits.

Physical Intervention is used to cover the use of direct or indirect force, through bodily, **physical** or mechanical **means**, to limit another person's movement. Physical intervention is a term which covers the use of physical force but which also includes other actions, such as locking a door or standing in the way of another person.

Physical restraint refers to the use of physical force by one, or more, person(s) to restrict the actions of another.

Duty of care exists whenever professionals and paid carers are given charge of any pupil in a school environment.

Necessary in the case of application of force means 'essential' or 'needed to be done'.

Reasonable in the case of application of force means 'as much as is appropriate' coupled with having 'sound judgement'.

Proportionate in the case of application of force means 'the correct amount' or 'degree' in relation to the unwanted behaviour.

1.0 Introduction

The aim of Little Kinvaston School is to work with students who find mainstream schooling a challenge and provide opportunities to help them make their next steps more positive. Many pupils pose challenging behaviours on a daily basis and in a variety of different ways. Little Kinvaston School is committed to continual staff development and works towards addressing these unwanted behaviours on a daily basis, and whilst considered always as a last resort the use of physical intervention is utilised where circumstances dictate them to be necessary.

This policy will help to clarify when staff may or may not be required to intervene physically and the circumstances where it is acceptable to physically restrain a pupil. It will clearly describe the options and strategies open to all members of staff who may have to intervene physically with any pupil. They must know what an acceptable response is and what is not. The Governing Body, parents and pupils also need to know.

The Local Authority accepts that in certain situations physical intervention or physical restraint may be necessary. At a local level, all schools should have clear pastoral care policies. These policies should emphasise the use of positive reinforcement of good behaviour and includes a section on the use of physical intervention and a programme of regular and routine training, including induction and refresher updates.

It is a requirement that schools publish information on their policy on the use of restraint as part of information that they give to parents about the school's policy on discipline and standards of behaviour.

2.0 Purpose

The purpose of this policy is to detail Little Kinvaston School's strategy in the use of physical interventions.

Managers, Senior Leaders and staff will use this document for reference and implementation at Little Kinvaston School.

3.0 Objectives

The policy undertakes to provide support to staff on managing an incident with the use of physical intervention. The overall objectives of this policy are to:

1. Identify organisational and individual responsibilities in the use of physical interventions
2. Identify good practice principles on how to assess and reduce physical intervention risks

3. Recognise the importance of recording and monitoring physical interventions
4. Ensure pupils/ employees are aware and provided with suitable support following a physical intervention

4.0 The Legal Framework

Section 93 of the Education and Inspections Act 2006 enables school staff to use reasonable force to prevent a pupil from:

- Committing any offence;
- Causing personal injury to, or damage to the property of, any person (including the pupil), or
- Prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise

The staff to which this power applies are:

- Any member of staff at the school;
- Any other person whom the Headteacher has authorised to have control or charge of pupils. This can also include people to whom the Headteacher has given temporary authorisation to have control or charge of pupils such as unpaid volunteers (i.e. parents accompanying pupils on school-organised visits) provided that they have received the appropriate information and training; and
- 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 (i.e. on a school visit).

This is the legal framework which must be understood in the context of sections 4.1 and 6.0

Headteachers should identify and explicitly inform people, other than staff, whom they wish to authorise to have control or charge of pupils and therefore to be able to physically restrain pupils if necessary. Everyone concerned should be aware of and clearly understand the implications of the authorisation.

4.1 Reasonable Force

There is no legal definition of "reasonable force" and 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. Whether the force used is reasonable

will always depend on the circumstances of individual cases. **It is always unlawful to use force as a punishment.**

There are two relevant considerations:

- The use of force can be regarded as **reasonable** only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical force could not be justified to prevent a pupil committing a trivial misdemeanour or in a situation that clearly could be resolved without the use of force.
- The degree of force employed must be in **proportion** to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force should always be the minimum needed to achieve the desired result. Whether it is reasonable to use force, and the degree of force that should reasonably be employed, might also depend on the age, understanding and sex of the pupil.

4.2 Searching without consent

Under Section 45 of the Violent Crime Reduction Act 2006, reasonable force may also be used to conduct a search without consent for the following “prohibited items”:

- 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

This search power may be exercised by Headteachers and authorised staff where they have reasonable grounds for suspecting that a pupil has prohibited items. Where resistance is expected school staff may judge it more appropriate to call the police.

NB: It is only the above prohibited items that are covered by this legislation.

5.0 Planning for incidents

As soon as a pupil is known to be prone to acts of violence and/or serious disruption, the schools carry out a thorough assessment of the pupil's behavioural difficulties, including environmental, medical, curriculum, personal and personnel issues which might trigger episodes of challenging behaviour. Where possible all agencies involved with the pupil and his/her family and parents should be involved in the assessment of the pupil's behaviour.

Where appropriate pupils will have a risk assessment drawn up that helps determine levels of risk coupled with strategies that are designed to help reduce any unwanted behaviours.

Reference should be made to the Schools' Health and Safety Policy and all relevant procedures should be followed.

5.1 Pupils with Special Educational Needs and/or Disabilities (SEND)

All pupils with SEND should have an individual Provision Plan agreed, as far as possible, with the involvement of all the outside agencies concerned and with the parents. The plan details difficulties associated with their particular type/s of SEND and any strategies that support effective progress within the classroom and wider setting. Combined with the risk assessment this helps form part of a wider individual education plan.

Staff are kept up-to-date by the SEND Co-ordinator of any learning and or behavioural needs of pupils and will apply the SEND Code of Practice responding appropriately where for example a pupil needs further support or investigation in line with the graduated response.

6.0 Physical Intervention

6.1 Aims of Physical Intervention

Whenever physical restraint is used the main aims should be to:

- lower the pupil's level of arousal, by giving verbal reassurance, removing the trigger for the incident as far as is possible;
- cause the minimum level of restriction to the pupil, consistent with preventing injury, to the pupil or others, and/or damage to property;
- use a form of restraint which is suited to the pupil and the environment and is therefore least likely to cause injury;
- prevent any other pupils becoming engaged in the incident, or its control;
- work with other responsible adults whenever possible, with one adult taking the lead;

- not move the pupil whilst physical restraint is still required, unless not doing so may cause greater physical danger;
- cease the physical restraint at the earliest possible moment.

6.2 Involving Staff and Pupils

No member of staff should be expected to undertake any physical intervention with which they do not feel confident or comfortable. This should be a matter of professional agreement between the Headteacher and the member of staff.

No member of staff should be expected to undertake any physical intervention if, by doing so they put themselves at risk. Sometimes it is better that a member of staff does not physically intervene in an incident without help (unless it is an emergency).

Other pupils should never be involved in implementing physical intervention strategies. As far as possible all other pupils should be removed to a safe distance, as quickly as possible.

6.3 Using Physical Intervention

Before using physical intervention staff should, wherever practicable, inform the pupil what will happen if they continue to exhibit behaviour as defined in paragraph 6.0. Staff should continue to try to communicate calmly with the pupil throughout the incident, making it clear that the physical intervention will stop as soon as it ceases to be necessary. **The use of physical restraint must always be proportionate to the level of risk and should always be reduced at the earliest possible time.**

Where there is no urgent risk, staff should consider carefully whether and when physical intervention is the right response. All staff should have a well-developed range of strategies and techniques for defusing potentially difficult situations, before the need to use physical intervention is reached. This is particularly appropriate where the key issue is establishing and maintaining good order, when any action that exacerbates the situation needs to be avoided. Careful consideration needs to be given to the risk of increasing disruption or provoking an attack, by intervening physically in a situation. The age and level of understanding of the pupil is particularly relevant in these circumstances. **Parental consent is not required to restrain a pupil.**

6.4 Staff Training

All staff working with pupils with challenging behaviour should receive training in behaviour management and, where appropriate, the use of acceptable forms of physical intervention. **Training in the use of physical interventions should always be suitable accredited training and updated annually.** Newly appointed staff should receive training at the earliest opportunity.

All permanent staff who work at Little Kinvaston School take part in a recognised, accredited training package. Currently this is delivered by Team Teach (Appendix 1).

6.5 When to use Physical Restraint

Whether used in an unplanned or in a planned way, physical restraint should only be considered when other non-physical, strategies have failed and there is significant evidence of actual or probable:

- I. violence directed towards others;
- II. violence which is self-directed (self-injury);
- III. dangerous disregard for the safety of their own person;
- IV. dangerous disregard for safety of others;
- V. serious damage to property;
- VI. behaviour that compromises good order and discipline.

Examples of situations that fall into all except VI above include a pupil:

- attacking a member of staff or another pupil;
- fighting;
- engaged in, or on the verge of committing, deliberate damage or vandalism to property; causing, or at risk of causing, injury or damage by accident through rough play or the misuse of dangerous materials or objects;
- running in the corridor or on a stairway, in such a way that they might have or cause an accident resulting in injury;
- absconds from class or tries to leave the school, in circumstances which would place the pupil at risk.

Examples falling into VI above would include a pupil:

- persistently refusing to obey an order to leave the classroom;
- behaving in a way that is seriously disrupting a lesson

6.6 Action in Self-Defence or Emergency

Everyone has the right to defend themselves against attack, providing that they do not use a disproportionate degree of force in so doing. Similarly, in an emergency when, for example, a pupil is at immediate risk of injury or on the point of injuring someone else, any member of staff would be entitled to intervene.

NB. Headteachers are reminded that in every case where staff are subjected to assault by a pupil, the established procedures for recording and reporting the incident should always be followed.

6.7 What is Allowed

The range of physical interventions which any member of staff within the school might use should be clearly defined within the whole school policy in order to ensure that they are appropriate for the setting and do not pose a danger to the pupil or any other person. Appropriate strategies might include:

- physically interposing between pupils;
- blocking a pupil's path;
- leading a pupil by the hand or arm;
- guiding or shepherding a pupil whilst holding a hand or an arm.

In extreme circumstances more restrictive appropriate holds used should be those in which staff have received training through TeamTeach.

7.0 Recording Incidents of Physical Intervention

All incidents of physical intervention should be carefully recorded, dated and signed by all the adults who were involved or who witnessed the incident. Immediately following the incident, the member of staff concerned should tell the Headteacher or senior staff member and provide a written report as soon as possible and not later than 24 hours after the incident. The report should be completed using the school Incident Report Forms and an entry made in the Bound and Numbered Book. Guidance around how and when to complete an IRF is detailed in the Incident Report Form – Flow Chart. All three documents can be found within each school's administration/front office area or on the computer network drive.

Staff should be offered the opportunity to seek advice from a senior colleague or a representative of their trade union/professional association when compiling the report.

The young person's voice can be recorded in the bound book when a physical intervention takes place.

8.0 Reporting Incidents of Physical Intervention to Parents

Incidents involving the use of force can cause great concern to parents. All serious incidents where physical restraint was employed should be reported to parents and they should be offered the opportunity to discuss their concerns. The Headteacher or senior staff member should decide whether or not a written report to the parents is required.

9.0 Parental Complaints

Involving parents early when an incident occurs with their child, alongside a clear and published policy about physical contact with pupils that staff adhere to should help to avoid complaints from parents. 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 under disciplinary procedures or by the Police and Social Services Department, under Child Protection procedures.

Schools should record and investigate all complaints from parents concerning the use of physical intervention as per the Schools' Complaints Policy and Procedure. The complaint and the result of the investigation on the incident should be reported to the governing body of the school at its next meeting.

The possibility that a complaint might result in a disciplinary hearing or a criminal prosecution or civil action, brought by a pupil or parents, cannot be ruled out. In that case it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable, given all the circumstances.

10.0 Staff Counselling

All staff involved in incidents requiring physical intervention should be offered the opportunity for counselling, which can usually be provided by a senior member of staff. On rare occasions it may be appropriate to involve a representative of the Authority, e.g. educational psychologist or education Social worker.

11.0 Monitoring and Reviewing Policy

Schools should carefully monitor and regularly review their policy on physical intervention and in those schools working with pupils who are known to have challenging behaviour this review should be carried out annually.

Appendix 1: Staff Training: Team Teach

About Team-Teach

Aims of Team Teach: through the promotion of de-escalation strategies and the reduction of risk and restraint, to support teaching, learning and caring, by increasing staff confidence and competence, in responding to behaviours that challenge, whilst promoting and protecting positive relationships.

Best practice in this area is achieved through a whole staff training approach, actively supported and attended by senior leadership and management; where everybody hears the key messages at the same time and are on the "same page" with regard to knowing what is acceptable and unacceptable behaviour and with regard to the latter, how to respond in a way that is more likely to de-escalate a situation.

Therefore, the Little Kinvaston School training model, providing the highest level of safeguarding, is that all staff receive training on the 12 hour "Basic" course which reduces foreseeable medium "special service" risk. This is further supported by a yearly 6 hour refresher course. The content of both courses can be found on the website: www.teamteach.co.uk

Where possible, the expectation is that staff will exhaust all behavioural management strategies before they physically intervene. Where and when there is time, the physical interventions should be viewed as a "last resort option" for staff.

Positive Behavioural Support (PBS) approaches are entirely compatible with Team-Teach. All physical techniques are covered by the Grey Book policy 'Physical Intervention and Restraint of Pupils with Challenging Behaviour Policy'.

Where a student requires repeated physical management, the strategies and techniques will be planned for and agreed in advance. These will be written out and included in individual risk assessments/ SEND plans.

The training emphasises positive handling as but one part of a whole setting approach to behaviour management. Physical techniques should not be taught in isolation. The training staff receive continually emphasises positive relationships as being the key element in working with challenging behaviour and that physical techniques can help to protect and maintain these relationships.

The physical techniques have sufficient range and robustness to be appropriate across the age and development range, for both the intentional and non-intentional "challenging" individual.

The physical techniques provide a gradual, graded system of response commensurate with the situation, task and individuals involved, allowing for phasing up or down as dictated to by the circumstances at the time.

The use of force must be **reasonable, proportionate** and **necessary** and this is repeatedly referred to throughout the training. The Department for Education Use of Reasonable Force document explains advice about what this means. It is also covered in the documents:

- Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning
- Disability and/or Autistic Spectrum Disorders (2002) Use of reasonable force (2013) DfE - advice for headteachers, staff and governing bodies.
- Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)
- Searching, screening, and confiscation (2014) DfE – advice for headteachers, staff and governing bodies.
- Dealing with allegations of abuse against teachers and other staff – guidance for local authorities, headteachers, school staff, governing bodies and proprietors of independent schools

There is an emphasis during training on appropriate and targeted verbal and non-verbal communication. Paraverbal skills matter at all times, during a restraint however, it is what you say and how you say it that is important.

The aim is for the person to calm down sufficiently so that staff can return the physical control and help find a better way to resolve the issues.

A calm approach with staff using (Communication, Awareness /Assessment Listening/Looking and Making Safe skills) is expected at all times when managing such situations.

Where there is time and sufficient resources the emphasis should be on the involvement of at least two members of staff when such crisis situations occur.

The training will aim to comply and work within "good practice" guidelines produced by government departments. Team Teach. has been actively involved with consultation by government departments looking at "good practice" principles in this area. Training will comply with the Human Rights Act.

There is an emphasis on the Health and Safety of members attending the training and throughout the training. Support and cooperation are key values with the emphasis being on using the minimum amount of force that is necessary in order to achieve the objectives. That the resistance used in training is proportionate to the level of confidence and competence gained. Role-play is carefully controlled by instructors and is not used until course members have acquired sufficient skill and expertise.