

This policy should be read and understood in conjunction with the following documents:

- Guidance for Safer Working Practice for Adults Working with Children and Young People (Section 18)
- Use of Reasonable Force: Advice for head teachers, staff and governing bodies (DfE July 2013) **Appendix A**
- Risk assessment for the planned intervention of physical intervention **Appendix B**
- LEA Guidance Circ LEA/0242/2002 **Appendix C** (see link below)
- LEA Guidance Circ LEA/0264/2003 **Appendix D** (see link below)
- Education and Inspections Act 2006 (Section 93)
- Apprenticeships, Children and Learning Act 2009 (Section 242 & 246)
- The Education Act 1996 (Section 548)
- Child Protection Policy
- Behaviour For Learning Policy
- School's Code of Conduct
- Health & Safety Policy
- Complaints Procedures
- Keeping Children Safe in Education (DfE April 2014) **Appendix E**
- Screening, searching and confiscation advice for head teachers, staff and governing bodies" (DfE February 2012) **Appendix F**

Aims

This document sets out policy and guidance relating to the use of physical intervention, either planned or unplanned, by staff. It seeks to clarify the legal position regarding the use of physical intervention by members of staff, gives definitions and advises on procedures to be followed in the event of physical intervention being necessary.

Objectives

Its purpose is to ensure that:

- maintaining the safety of pupils and staff is the key objective at all times
- serious breaches of school discipline are prevented
- serious damage to property is prevented
- physical intervention to control and restrain is used as infrequently as possible
- that they are only employed in the best interests of all parties involved
- when they are used, everything is done to prevent injury and to retain the dignity of all concerned.

Minimising the need to use force

At Christ Church CE VC Primary School we have a strong ethos and philosophy whereby all individuals are respected and valued. In all our dealings with children we seek to minimise the need for physical intervention by adopting good working practices which reflect our ethos, for example:

- creating a calm, orderly and supportive climate that minimises the risk and threat of violence of any kind
- responding to children in a dignified, considered, polite and respectful manner
- promoting choice
- enabling children to develop a valued reputation
- fostering independence
- ensuring equal opportunities and anti-discriminatory practice
- supporting children in the development and maintenance of relationships
- involving children in the development of key policies (e.g. Bullying and Behaviour and Sanctions policies)

- ensuring good communication between pupils and adults and developing a positive relationship between pupils and staff
- consistency of approach towards children and the consistent application of school rules
- taking a structured approach to professional development that helps staff to acquire the skills of positive behaviour management and management conflict in a supportive environment
- recognising that situations which trigger challenging behaviours are often foreseeable
- wherever practicable, warning pupils that force may have to be used before using it
- ensuring that the relevant staff are kept informed as to whether there are specific children who may react in a negative way towards physical contact (including that intended to be positive)

Definition of “Reasonable Force”

- The term ‘reasonable force’ covers the broad range of strategies that involve a degree of physical power. The range stretches from leading a pupil to safety by the hand or arm, through to extreme circumstances where a pupil needs to be restrained to prevent violence or injury.
- In a school, force is used for two main purposes – to control pupils or to restrain them.
- ‘Reasonable in the circumstances’ means using no more force than is needed.
- Schools can use reasonable force to:
 - prevent pupils from hurting themselves or others, from damaging property or from causing disorder
 - 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 and,
 - restrain a pupil at risk of harming themselves through physical outbursts.
- It is always unlawful to use force as a punishment.
- Physical intervention can take several forms. It might involve staff:
 - physically interposing between persons
 - blocking someone’s path
 - holding or guiding
 - breakaway skills
 - (in extreme circumstances) using approved techniques for physical restraint

Staff authorised to use force¹

- All staff, including temporary staff, may use reasonable force to physically intervene in emergency situations (***unplanned interventions***) as set out in this policy, or to defend themselves in circumstances where they have a genuine fear of being injured.
- Only staff who have been specifically authorised and supported in appropriate techniques may engage in ***planned physical intervention*** with a child.
- Power to search pupils without consent
- Planned intervention may be necessary during a child’s time at school either because they develop severe behavioural problems after being admitted to the school or, the school are asked to admit a child who is known to have behavioural problems that are more than likely to lead to restraint on repeated basis.
- The school acknowledges that under DDA legislation, they may be asked to admit a child to the school with a pre-existing record of challenging behaviour and where there may be a requirement for physical restraint at some stage. Prior to admission, the school would seek advice, guidance and support from the LA and other outside agencies such as Behaviour Support and the LA Special Educational Needs Team.
- If the school has significant concerns as the suitability of mainstream education for a child who is expected to have severe behavioural problems which might necessitate restraint on a regular basis and believes that the school does not provide the right environment to meet their needs, these concerns will be discussed in depth with the LA and the child’s need will be assessed and alternatives discussed.
-

¹ Section 93, Education and Inspections Act 2006

- Where it is envisaged that restraint might be required on a repeated basis, pre-arranged strategies and methods to deal with a situation should be planned where a risk assessment has identified the likelihood of the need for physical intervention. (See **Appendix B** for a copy of the Risk Assessment form to be used.)
- Planned physical interventions should be:
 - by a written agreement by relevant professionals working with the child, in consultation with the child (where possible) and/or his/her carers or those with parental responsibility, bearing in mind the school's responsibilities under DDA legislation and the specific needs of SEN children, children on the autistic spectrum and those with behavioural and/or learning difficulties
 - implemented under the supervision of no less than two identified members of staff who have relevant support and guidance
 - recorded in writing so that the method of physical intervention and the circumstances when its use has been agreed are clearly understood
 - included as part of a care plan for a child
 - routinely reviewed.
- Special guidance is available regarding children with learning disabilities and/or on the autistic spectrum disorders or behavioural, emotional and social difficulties as well as children with severe behavioural Difficulties (see Appendices C & D).
Key points to note are:
 - all members of staff working with such children should be involved in developing any policy that might require the use of force.
 - positive handling plans need to be developed and further advice on these can be found at <http://www.conceptsineducation.com/phpcontext.htm>
 - as far as possible ensure that all staff who come into contact with such children are aware of their profile, situations which are likely to spark a violent reaction/difficult behaviour, if and when intervention is likely to be needed and which strategies/types of intervention have been agreed with parents/carers and agreed methods of support following an incident
 - as much information as possible should be obtained from parents/carers, some of which might be sensitive, therefore it will be necessary to obtain permission from the parents/carers before sharing it with staff
 - appoint designated members of staff to deal with incidences involving specific pupils; this does not mean that other staff should wait if there is an emergency, but that the named staff should be summoned to attend as soon as possible
 - help the pupils involved to develop techniques to cool down and respond to signs (verbal and non-verbal)
- Where the school believes that it is unable to meet the needs of a child for whom planned intervention is required, the child will be excluded in line with the school's Exclusion Policy.

Unplanned/emergency use of physical interventions

- In an emergency, the use of reasonable force by staff is permissible if it is the only way to prevent injury or serious damage to property. Even in an emergency, the use of force must be 'reasonable'. It must be in proportion to the risk posed by the situation and the person concerned should be confident that any possible outcomes of intervention will be less severe than the possible consequences of not intervening.
- Sometimes, for personal safety reasons, a staff member should not intervene in an unplanned situation without help, for example:
 - when dealing with a physically large child
 - where an intervention technique cannot be applied safely by one person
 - if the staff member believes that they may be at risk of serious injury
- In such circumstances, the staff member should:
 - remove other children who may be at risk
 - summon assistance by using the school's 'red card' system
 - inform all concerned that they have sent for help
 - continue to attempt to diffuse the situation orally and try to prevent any escalation until help arrives

Guidelines:

- Before intervening physically, wherever practicable, give the child a clear oral warning that force may have to be used if they do not follow instructions.
- Continue to attempt to communicate with the child throughout the incident.
- Make it clear that physical contact/restraint will stop as soon as it ceases to become necessary.
- Keep calm, never give the impression that you have lost your temper or that the child will be punished.
- Whenever possible, but not to compromise the need for immediate action, it is preferable to have another witness to both verify the adverse behaviour and the subsequent intervention.

The use of physical intervention needs to be considered very carefully. As the key issue is to establish a safe environment, any action which could exacerbate the situation should be avoided. Physical intervention solely to enforce compliance with staff instructions in situations which present no risk is unacceptable.

Recording and reporting incidences

- The Governing Body has a legal responsibility to ensure that a system is in place for recording each incident where physical intervention has been necessary and for reporting these incidences to parents as soon as possible.
- If there is a need to use physical intervention during an incident, it will be necessary to complete a report in the 'Red' incident book: Behaviour Management/Physical Intervention – Serious Incident Record Book (which is kept in the school office). A copy of the report form should be sent to County Hall (Health and Safety Team) together with a copy of the 'Behaviour Management/Physical Intervention – School Incident Report and Investigation Form'. It is the responsibility of the Head teacher or, in his absence the deputy Head teacher to ensure that this happens. Pages are not to be removed from the Serious Incident Book as each report is sequentially numbered. A flow chart (Appendix D) details the procedures that should be followed.
- In addition, a record must be made in the school's 'Incident Report Book' which is kept in the Head Teacher's office.
- Whilst it is good practice to speak to parents about serious incidents involving the use of force, it is up to the school to decide whether or not it is appropriate to report the use of force to parents.
- In deciding what is a serious incident, teachers should use their professional judgement and consider the:
 - pupil's behaviour and level of risk presented at the time of the incident;
 - degree of force used;
 - effect on the pupil or member of staff; and
 - the child's age
- Both parents/carers should be informed of the incident as soon as possible and invited in to discuss it. This means that if parents are not living together, the school has a responsibility to ensure that both parents are made aware of the incident.
- Where the school believes that a child will be put at significant risk of harm were the incident to be reported to their parents/carers, the school can choose to withhold that information from parents/carers. Such a child may already be subjected to safeguarding procedures.
- Where applicable, multi-agency partners should also be informed of the incident.

Post-incident procedures and support

- Staff involved may need support and this should be recognised by managers. All staff involved should be debriefed about the intervention. Staff who have been subjected to an assault may wish to make a report to the police and/or seek the advice of their trade union.
- Head teachers should ensure that any individual care plans, or other formal plans be reviewed in the light of any intervention.
- Where intervention has involved the use of force to an extent that someone has been, or alleges to have been injured, then medical attention/examination should be an immediate priority.
- The pupil involved should be held to account for their behaviour and sanctions should be considered in line with the school's Behaviour for Learning Policy. In some incidences this might lead to a decision to exclude a pupil. In these instances statutory guidance must be followed.

- Both the staff and pupils involved should be given support to develop strategies to avoid incidences reaching crisis point in future.

Complaints and Allegations

- The School needs to make it clear that parents/carers and pupils have the right to complain about actions taken by school staff, including any use of force.
- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.
- Suspension must not be an automatic response when a member of staff has been accused of using excessive force.
- In dealing with a complaint, the school will follow the procedures and guidelines as set out in “Dealing with Allegations of Abuse against Teachers and Other Staff” (Appendix F) where an allegation of using excessive force is made against a teacher. This guidance makes it clear that a person must not be suspended automatically or without careful thought.
- Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

Monitoring and Review

- It is good practice for governors to monitor incidents where force has been used. Head teachers have an important role in reporting such incidents to the governing body.
- By reviewing the nature and type of incidences, it is possible to determine whether or not there are specific areas of difficulty which might lead to a review in procedures (e.g. more volatile situations, children with specific problems or staff being put in difficult situations).
- This policy will be reviewed every two years or in the event of a change in legislation.

Appendices:

Appendix A: Use of Reasonable Force: Advice for head teachers, staff and governing bodies (DfE 2013)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/355362/use_of_reasonable_force.pdf

Appendix B: Risk Assessment Form

<http://media.education.gov.uk/assets/files/pdf/p/pi%20risk%20assessment%20proforma.pdf>

Appendix C: LEA Guidance Circ LEA/0242/2002 - 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

<http://media.education.gov.uk/assets/files/pdf/g/guidance%20on%20the%20use%20of%20restrictive%20physical%20interventions.pdf>

Appendix D: LEA Guidance Circ LEA/0264/2003: Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties

http://media.education.gov.uk/assets/files/pdf/g/guidance%20on%20the%20use%20of%20restrictive%20physical%20interventions%20for%20pupils%20with%20severe%20behavioural%20difficulties_2003.pdf

Appendix E: Keeping Children Safe in Education (DfE April 2014)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/372753/Keeping_children_safe_in_education.pdf

Appendix F: Screening, searching and confiscation – Advice for Head Teachers, staff and governing bodies (February 2014)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/279245/searching_screening_confiscation_advice_feb14.pdf