

MILFORD PRIMARY SCHOOL PHYSICAL INTERVENTION POLICY



Vision Statement

Milford school sits at the heart of the community, where all involved strive for excellence. Each child is supported in their learning journey and the fulfilment of individual potential.

CARE, SHARE, RESPECT AND LEARN

Spring 2017

Policy on Physical Intervention

Policy Statement

The Governing Body of **Milford Primary School** is committed to ensuring and maintaining a safe working environment for everyone at the school.

The Governing Body is also committed to the Safety and Welfare of all children and young people who attend the school.

To fulfil this commitment the Governing Body has agreed a Policy for Behaviour Management.

This Policy on Physical Intervention has been agreed by the Governing Body in the context of their Policy on Behaviour Management and the knowledge, context and requirements of relevant legislation; advice, and guidance. In this respect the Governing Body is aware that Section 93 of the Education and Inspections Act 2006 outlines the powers of “authorised staff” to use reasonable force.

This policy aims to give all members of the school community clear guidance so that any physical intervention that they undertake is carried out in a way that supports the values and principles described above. In particular, it aims to describe the circumstances in which restrictive physical intervention is an appropriate response and how staff at school will fulfil their responsibilities in those circumstances.

The Headteacher will be responsible for ensuring that staff and parents are aware of the policy. He/she will ensure that any necessary training/awareness-raising takes place so that staff know their responsibilities.

The Governing Body of Milford Primary School therefore requires that all “Authorised Staff” carry out physical intervention only as an exceptional measure in extreme circumstances. Physical intervention will be used only as a last resort when all other alternatives have been unsuccessful.

Examples of extreme circumstances are:

- preventing physical assault to staff or another child.
- stopping a distressed child or young person who has run from the school building from crossing a busy road;
- protecting children or young people whose safety and welfare is being challenged.

Authorised staff should only use the degree and type of physical intervention which is appropriate and reasonable in the circumstances of the situation. Examples of appropriate actions by staff are included in this policy and associated Guidance on Physical intervention.

The Governors at Milford Primary School recognise that physical touch is an essential part of human relationships. In our school, adults may well use touch to prompt, to give reassurance or to provide support in PE. This is not a physical intervention when used in such a way, but must be used sensitively and appropriately, in line with our Child Protection protocols.

To use touch/physical support successfully, staff will adhere to the following principles. It must:

- be non-abusive, with no intention to cause pain or injury;
- be in the best interests of the child and others;

- have a clear educational purpose (e.g. to access the curriculum or to improve social relationships);
- take account of gender issues.

At our school Paula Fox is responsible for ensuring that relevant staff are aware of any pupil who finds physical touch unwelcome. Such sensitivity may arise from the pupil's cultural background, individual needs, personal history, age etc.

What Do We Mean By 'Physical Intervention'?

It is helpful to distinguish between:

Definition	Example	
Non-restrictive physical interventions. (As already stated touch/physical contact is a small but important and natural part of teacher-pupil relationships in our school).	Either where the child's movement is not restricted or where the child is held supportively but such that they will be released immediately should they so wish.	For example: <ul style="list-style-type: none"> • guiding/shepherding a person from A to B • use of a protective helmet to prevent self-injury • removal of a cause of distress, such as adjusting temperature, light or background noise
Restrictive physical interventions	Prevent, impede or restrict movement or mobility. Restraint. To use force to direct.	For example: <ul style="list-style-type: none"> • isolating a child in a room • holding a pupil • blocking a person's path • interpositioning • pushing/pulling

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Emergency/unplanned interventions	Use of force which occurs in response to unforeseen events.
Planned interventions	In which staff employ, where necessary, pre-arranged strategies and methods which are based on a risk assessment and recorded in an individual plan for the management of the behaviour of a pupil.

Staff need to be aware that their employment imposes on them a duty of care in order to maintain an acceptable level of safety. This duty of care has been defined and tested in a variety of case laws such as Ashton and Ward 1992. It is acknowledged that the behaviour of children and young people can on occasions become dangerous and physical intervention may be required. This is inevitably a high risk action. Written guidelines cannot anticipate every situation and, therefore, the sound judgement of staff at all times is crucial. This may also include not getting personally involved if this would put yourself at direct risk but could include summoning relevant assistance. It is not acceptable to simply do nothing.

MINIMISING THE NEED TO USE FORCE

It is the expressed aim of Milford Primary School to avoid the use of force to physically restrain pupils in all but the most extreme circumstances. In order to do this the school will implement the following strategies to ensure the use of force is minimised:-

- i) Create a calm, orderly and supportive school climate that minimises the risk and threat of violence of any kind. The school will have clear rules in place regarding acceptable behaviours and these will be clearly communicated to pupils and consistently, fairly and openly applied.
- ii) Ensure that there are effective relationships between pupils and staff (e.g. through the school council) where pupils can be engaged and participate in ideas to create a calm and orderly environment.
- iii) Ensure all staff are fully aware of the school ethos regarding the use of force as a last resort and ensure staff have the necessary skills to use alternative de-escalating strategies.
- iv) Use early and appropriate intervention with individuals or groups who are recognised as potentially at risk of involvement in violence.
- v) Develop a whole school approach to developing social and emotional skills that pupils need in order to understand and manage their emotions appropriately and resolve conflict. *(Schools may wish to utilise the Social and Emotional Aspects of Learning (SEAL) programme which provides staff development opportunities and curriculum materials for helping pupils develop such skills as managing strong feelings. (The SEAL resource is available at www.standards.dfes.gov.uk/primary/publications/banda/seal).*
- vi) Recognising that challenging behaviours are often foreseeable and have plans in place to deal with these eventualities.
- vii) Monitor all incidents where force is required to ensure any trends are identified so alternative strategies can be put in place to try to prevent the use of force in similar situations should they occur.
- viii) Whenever practicable issue a warning that force may need to be used before using it.
- ix) Plan for staff development in behaviour management including positive behaviour support strategies so staff attain the confidence and skills necessary to manage potentially dangerous situation.

When May A Restrictive Physical Intervention Be Used

- School staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
- Force is usually used wither to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
- 'Reasonable in the circumstances' means using no more force than is needed.
- Schools generally use force to control pupils and to restrain them. 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.
- Restrain means to hold back physically or to being 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.
- School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.
- All members of school staff have a legal power to use reasonable force.
- This power applies to any ember of staff at the school. It can also apply to people whom the headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.
- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control pupils or to restrain them.
- The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

The following list is not exhaustive but provides some examples of situation where reasonable force can be used.

Schools can use reasonable force 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.
- Prevent a young person causing serious damage to property.

Duty of Care

Staff should be aware that their employment imposes upon them a duty of care to maintain an acceptable level of safety. It is acknowledged that the behaviour of children and young people can become dangerous and physical intervention may be required. This is inevitably a high risk action. Guidelines cannot anticipate every situation and, therefore, the sound judgement of staff at all times is crucial. This may mean not getting physically involved if this would put you at direct risk, but could include summoning relevant assistance. It is not acceptable to do nothing.

Who May Use Restrictive Physical Interventions

Only “Authorised staff” may use restrictive physical interventions within Milford Primary School. The term “Authorised Staff” means any member of staff who works at the school, or any person who, with the Authority of the Headteacher, has lawful control or charge of children and young people at the school or during school activities off site. Authorisation may be on a long term or short term basis for a specific event such as a field trip. **Under no circumstances will the school give authorisation to other pupils (e.g. prefects) to be involved in the use of force.**

Authorised staff will normally include teachers, teaching assistants and non teaching staff employed by the Governing Body with the authority of the Headteacher.

The Place of Physical Intervention in Milford Primary School

As previously stated physical interventions in the school will only be used in exceptional circumstances.

The school expects that staff will only use force in circumstances where:-

- The potential consequences of not intervening were sufficiently serious to justify considering the use of force;
- Achieving the desired result of the intervention by other means had either been tried and exhausted, or are low;
- The risks associated with not using force outweigh those of using force.

In making this judgement the authorised staff are expected to use professional judgement and must be aware of the expressed circumstances where the use of physical intervention is acceptable as outlined earlier in this policy. The Headteacher will ensure all authorised persons are aware of these circumstances.

The two types of physical interventions likely to be required in the school are:-

a) Planned Physical Interventions

These will take place where it is known that a young person is likely to behave in a way that may require a physical intervention (either from prior knowledge before the pupil attends the school or through a history of incidents at the school).

In these cases the headteacher will ensure that:

- an individual plan is in place which takes account of the needs of the pupil and identifies ways of addressing these
- appropriate support services have been consulted and their advice sought
- a physical intervention plan and specific risk assessment for the intervention is in place.

The headteacher will ensure that for these situations;

- The plan includes any known triggers for the pupils’ behaviour;
- The plan includes all strategies to try to control the behaviour without the need to resort to physical interventions;
- The physical interventions that are to be used if necessary and the points at which they are to be used;

- The Behaviour Support Service have been involved in drawing up the plan;
- That parents/carers, staff and where practical the pupils have been involved in drawing up the plan and that all are clear about the specific actions the school may need to take;
- That any Special Educational Needs (SEN) and/or disability that the pupil may have and the consequences of these on the plan and risk assessment have been fully considered. This will include seeking medical advice where necessary regarding how restraint could affect a pupil with disability or medical condition.

Once the plan has been drawn up and agreed, the headteacher will ensure that:

- The plan and risk assessment is effectively communicated to all those authorised to use force in the school who need to be aware of it.
- That all those who may be temporarily authorised to use force (e.g. volunteers on school trips are made aware of the plan and risk assessment as necessary).
- That appropriate training on the plan, and the specific restrictive physical interventions is available and that those who require it are made to attend.
- That appropriate resources are available to ensure the plan is effectively implemented.
- That the plan is reviewed on an annual basis or after every intervention (whichever is the soonest) to ensure it is still appropriate.

b) Unplanned Physical Interventions

These by their very nature are more difficult to deal with and will certainly involve staff making on the spot decisions about whether or not to intervene and indeed the best way to intervene.

The school will attempt to identify situations where these events may predictably occur, (e.g. playground fights, rough play in the playground, serious disruption of a teaching activity), and will put in place agreed protocols to deal with such events. These will be communicated to staff and any necessary training will be provided.

ALL STAFF MUST BE AWARE THAT THE SCHOOL DOES NOT CONDONE AND WILL NOT TOLERATE THE USE OF PHYSICAL RESTRAINT TO PUNISH OR DISCIPLINE A PUPIL OR TO DELIBERATELY CAUSE PAIN TO OR HUMILIATE A PUPIL. STAFF MUST NEVER USE PHYSICAL RESTRAINT OUT OF ANGER OR FRUSTRATION.

Methods of Restrictive Physical Intervention

When a restrictive physical intervention is justified, staff will use “reasonable force”. This is the degree of force “warranted by the situation”. It will “be proportionate to the circumstances of the incident and the consequences it is intended to prevent”. Any force used will always be the minimum needed to achieve the desired result and for the shortest amount of time, and the physical intervention must:

- Not involve hitting the child or young person;
- Not involve “punitive” acts such as deliberately inflicting pain on the child or young person; for example, joint locks or finger holds;
- Not restrict the child or young person’s breathing; for example, throat or neck holds or pressing the child or young person’s face into soft furnishings;
- Avoid the genital area, buttocks or breasts of the child or young person;
- Avoid the adult putting undue weight upon the child or young person’s spine or abdominal area;
- Avoid holding near to or pulling on joints.

During any incident of physical intervention adults must, as far as possible, seek to:

Minimise the need for, or length of, any physical intervention.

- Lower the child or young person's level of anger or distress during the physical intervention by continually offering verbal re-assurance and avoid fear of injury in the child or young person;
- Cause the minimum level of restriction of movement of limbs consistent with the level of risk to safety and welfare. For example, not restricting the movement of the child or young person's legs when they are on the ground unless flailing legs are likely to be injured; or cause injury to others;
- Take account of the potential for accidental injury during the physical intervention by using a method appropriate for the environment in which it is taking place. For example, on a paved surface the adult should seek to avoid placing the child or young person on the ground;
- Work together as a team, with one member taking the lead, and avoid personal risk;
- Exclude any other child or young person from assisting with the physical intervention;
- Avoid moving the child or young person during the physical intervention. This is only justifiable in situations when remaining in the original location would be more dangerous and the use of minimum force to move the child will prevent further harm.

The Governing Body recognises that there is no legal definition of reasonable force. The Governing Body acknowledges:

- The use of physical intervention is unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical intervention cannot be justified to prevent a child or young person from committing a trivial misdemeanour, or in a situation that could clearly be resolved without physical intervention;
- The physical intervention must be in proportion to the incident and the seriousness of the misbehaviour. Any physical intervention should always be the minimum needed to achieve the desired outcome.

The Governing Body is aware that The DCFS Guidance "The Use of Force to Control or Restrain Pupils" provides the following examples of the types of force which staff may use in situations which require physical intervention:

- a) Passive physical contact resulting from standing between pupils or blocking a pupils' path.
- b) Active physical contact such as:
 - Leading a pupil by the hand or arm;
 - Ushering a pupil away by placing a hand in the centre of the back;
 - In more extreme circumstances, using appropriate restrictive holds, which may require specific expertise or training.

The Governing Body recommends that wherever practicable other strategies should be used. These may include:

- Using de-escalation techniques;
- Offering time-out to the child or young person;
- Issuing verbal warnings to the pupils.
- In circumstances where force has to be used then the following basic points should be considered when undertaking the physical intervention as a minimum.
 - Minimising movement as quickly and as safely as possible;
 - Holding clothes instead of skin;
 - Ensuring limbs are held above a major joint if possible;
 - Avoiding pressure on vulnerable areas such as neck and stomach;
 - Avoiding pressure on areas which will restrict blood flow;
 - Avoiding contact with sexual areas;

- Sensitivity to the child or young person so that control can be returned to the child or young person as soon as possible.

Staff who have received specific training on physical restraint must always act in accordance with that training.

Induction and Training

The Headteacher will ensure all staff are aware of and understand this Policy and the Local Authority's Guidelines on Physical Intervention.

The Headteacher will ensure all staff know the procedures for physical intervention, who incidents should be reported to, and where and how they should be recorded.

All new staff appointed to work at the school will be given an explanation of the school's Policy on Physical Intervention and who is authorised to use physical intervention as part of their induction programme. The Governing Body believes this is particularly important for Newly Qualified and Supply Teachers

The Headteacher will ensure that all staff receive appropriate training relating to this policy if required and training in methods of physical intervention for authorised staff. This will be organised via the Local Authority Behaviour Support Service, who use PROACT SCIPr as the preferred system for physical restraint.

Risk Assessments

The use of a restrictive physical intervention will be the outcome of a professional judgement made by staff on the basis of this school policy. It is avoided whenever possible and will not be used for staff convenience.

Restrictive physical intervention will *only* be considered if other behaviour management options have proved ineffective or are judged to be inappropriate (or in an emergency situation). Before deciding to intervene in this way, staff will weigh up whether the risk of not intervening is greater than the risk of intervening. Any actions will be carried out with the child's best interests at heart. Physical intervention will never be used to punish a pupil or cause pain, injury or humiliation. For planned interventions where there is a behaviour and intervention plan and specific risk assessment in place, the headteacher will make sure all staff are aware of these. It is the responsibility of every member of staff to ensure they act in accordance with these plans and risk assessments. Additionally staff should make the headteacher aware of any shortcomings in these plans and assessments.

In emergency or unplanned situations staff will need to carry out a dynamic risk assessment based on the circumstances at the time and their professional judgement coupled with the information available in this policy and any training they have received.

Staff are not expected to intervene physically against their better judgement nor are they expected to place themselves at unreasonable risk. In such circumstances, they must take steps to minimise risks. For example, by removing other pupils and calling for assistance.

However, any physical intervention involves a degree of risk; the assessment of the level of risk to the child or young person, themselves, others, and the circumstances of the situation must be considered before deciding to intervene. Staff should think clearly and carefully before acting.

Physical intervention on a child or young person should calm the situation and not lead to greater injury or an escalation of violence. There are many things to consider and the following are examples of factors which could be taken into account when evaluating the risks involved and in determining the techniques to be employed in any particular situation:

- Any known SEN/care or disabilities;
- Individual needs and appropriate systems for clear communication;
- The age, relative physiques, and known medical conditions of both the adult restrainer and the child or young person;
- The relative genders of staff and child or young person;
- The presence of a second, or other adults, available to assist, supervise, and become involved in the physical intervention;
- The opportunity to secure the presence of a second, or other adults;
- Spectacles, hearing aids, jewellery and clothing worn by the child or young person;
- The restrainers capacity to act calmly and systematically;
- The location of the incident and the potential for the physical intervention to be carried out safely;
- The potential outcomes of not intervening;
- Whether other techniques not involving force have been used and not worked.

What to Do After the Use of a Restrictive Physical Intervention

Recording Events and Actions

The Governing Body acknowledges the importance of ensuring accurate and detailed records of incidents of physical intervention are made and kept for future reference.

Restrictive Physical Intervention Incident Reports

The Governing Body and Headteacher will establish arrangements to ensure that all significant incidents of physical intervention are reported and recorded by the member(s) of staff involved as soon as possible after the event. The incident should be recorded on the attached incident report form (Appendix 3). A copy of this form will be kept securely and confidentially at the School and a copy sent to the Children and Younger Adults Health and Safety Section, marked confidential.

The school considers any of the following incidents to be significant and therefore requires that staff complete an incident record:

- a) Any incident which caused injury or distress to a pupil or member of staff (where an injury is involved the schools accident reporting guidance must also be followed);
- b) Any incident which is sufficiently serious in its own right to require an incident record to be completed (even though there was no apparent injury or distress). Any use of restrictive holds will as an example fall into this category.
- c) Any incident where a written record is needed to be able to justify the use of force. (This is relevant where the staff involved feel the judgement was very finely balanced).
- d) Any incident where a record will help the school to identify and analyse patterns of pupil behaviour or will help to inform future training.
- e) Any incident which involved other agencies e.g. the police.

The form must be completed by the member(s) of staff concerned who should sign and date the record of physical intervention. This is in line with guidance from the DCSF and in order for staff to receive the full backing of the Local Authority the form must be completed. The report must include:

- The name(s) of the child(ren) or young person(s) involved;
- The name(s) of the staff involved;
- When and where the incident took place;
- The name(s) of other staff or children or young people who witnessed the incident;
- The reason why physical intervention was necessary;
- How the incident began and progressed, why the physical intervention was used, details of the child's or young person's behaviour, what was said, what steps were taken to defuse the situation, the degree of physical intervention used, how it was applied and for how long;
- The child's or young person's response and the outcome of the incident;
- Details of any injury suffered by the child or young person or others and subsequent medical attention.
- Details of any damage to property;
- A description of any action taken after the incident;
- Records should be reviewed at the end of each term.

The Headteacher or a senior member of staff should be informed of any incident of physical intervention as soon as is practicable.

It is good practice for the school member of staff with lead responsibility for safeguarding to check the record and for the school to provide the member (s) of staff involved in the incident with a copy of the final version.

Witness Statements

Where there is an incident and a physical intervention is required statements will be taken from witnesses. This will be carried out by the Headteacher or a senior member of staff as soon as possible after the incident. This should be carried out as quickly as possible so that witnesses do not have the opportunity to influence each others statement.

Follow Up Action

All senior staff involved must record details of their involvement at every stage, together with details of all follow-up action.

The children or young people and staff involved in an incident of physical intervention will have an opportunity to discuss the matter with The Headteacher or an appropriate senior member of staff.

Any lessons learned as a result of this discussion will be used by the school to update behaviour and restraint plans and risk assessments.

Parents and carers of children or young people involved in an incident of physical intervention will be informed of what has happened to their child or young person and offered an opportunity to discuss this with the Headteacher or a senior member of staff.

Any member of staff involved in an incident of physical intervention may need time to recover and regain their composure. They will also be given the opportunity to discuss how the incident of physical intervention has affected them personally with an appropriate colleague, friend or Professional Association or Trade Union Representative.

For planned physical interventions the risk assessment should be reviewed. For repeated interventions other professional colleagues e.g. psychologists should be included in the review. This could result in a number of actions aimed at meeting needs and reducing the risk of incidents and harm to other pupils and staff, such as:

- preparation of individual plans to address a range of needs such as a multi element plan
- avoidance of known triggers
- addressing environmental factors
- changing aspects that maybe contributing to the risk of incidents such as timetables, class groups

Handling Complaints

Complaints about physical contact or intervention will be considered in the light of existing statutory routes of investigation. These are:

- Child Protection (Local Authority advice);
- Disciplinary Procedures (School policies/Local Authority advice).

The Headteacher or a senior member of staff will consult with the School's Child Protection Co-ordinator, and Authority's Child Protection Officer.

If there are no grounds for continuing with either of these procedures the complaint will be dealt with through the Governing Body's normal Complaints Procedure.

What Happens if a pupil complains when force is used on them?

- All complaints about the use of force will be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they 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 this/her allegations are true – it is not for the member of staff to show that he/she acted reasonably.
- Suspension will not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the "Dealing with Allegations of Abuse against Teachers and Other Staff" guidance (see the 'Further sources of information' section below) where an allegation of using excessive force is made against a teacher. A person must not be suspended automatically, or without careful thought.
- Schools will 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.
- If a decision is taken to suspend a teacher, the school will ensure that the teacher has access to a named contact who can provide support.
- Governing bodies will consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.
- As employees school will provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

Monitoring

The Headteacher and Governing Body will review the implementation of the Policy on Physical Intervention at appropriate intervals.

All staff will be involved and asked to contribute to the review.

All staff will be informed of the outcome of the annual review.

APPENDIX 1 Staff Checklist

APPENDIX 2	Handling Complaints and Child Protection
APPENDIX 3	Incident Recording Form and What to do Guide
APPENDIX 4	Risk Assessment Process

Signed (Chair of Governors) Gill Taylor

Review Spring 2018

This policy should be read in conjunction with:-

Child protection and Safeguarding Policy
 Behaviour Policy
 Anti Bullying Policy
 Online Safety Policy
 Code of Conduct for Staff Policy
 Separated Parents Policy
 Domestic Violence Policy
 Children Missing from Education Policy
 Looked After Children Policy
 Tackling extremism and Radicalisation.

