

Hanover Primary School



Physical Intervention Policy

Who reviewed this policy?	Amanda Reese, Howard Revill
Who approved this policy?	Governing Body
Date of approval	March 2016
Date of next review	March 2018

Introduction

Although section 548 Education Act 1996 states that the use of force as a punishment is unlawful, section 93 of the Education and Inspections Act 2006 gives school staff (including support staff, non teaching staff and voluntary staff) the legal power to use force, if necessary.

Rationale

Children and young people need to be safe and aware of how they should behave. Some (generally only a few and very occasionally) lose control and need someone else to supply it. They need to know we are able to control them safely and confidently. Our pupils nearly always respond well to the school rules and conventions. Situations in which physical intervention may be needed are, therefore, likely to be very few in number.

All our staff need to be safe and confident in how they manage inappropriate behaviour. They have to be clear about the options open to them when all the normal systems have failed or when there is a clear emergency in which, for example, talking calmly to someone in danger is irrelevant. They need to be free of undue worries about the risks of legal action against them if they use appropriate physical interventions, and need to know that the governors and the LA will offer support if they are challenged.

Parents and carers need to know that their child and those who are teaching him or her are safe and free from disruptive influences or danger. They also need to know that they will be properly informed if their child is the subject of physical intervention, and they need to know the nature of the intervention and the rationale for its use.

This policy connects to and is consistent with our policies, especially those on Behaviour, Health and Safety and safeguarding to which reference can be made.

Our Approach: Prevention is Better than Cure

We always try to avoid using physical interventions and regard them as a last resort for a small minority of situations. We maintain an effective school positive behaviour policy that is known and understood by all staff and pupils.

Physical intervention is our method of last resort, after all other approaches have been tried or in situations of clear danger or extreme urgency. We utilise only the minimum force required to resolve the situation safely. How we respond always has regard to the circumstances and to the age and understanding of the child or young person.

Where there is foreseeable risk that a pupil could behave in such a way as to require restrictive physical intervention, we undertake a risk assessment in order to balance the risks to the pupil and to others of intervening or not. Planning is also undertaken to see if trigger situations can be avoided and other positive strategies employed to lessen the likelihood of such incidents occurring

Who May Use Physical Intervention and When

Section 550A of the Education Act 1996 allows “teachers and other persons¹ who are authorised by the Headteacher to have control or charge of pupils to use such force as is reasonable in all the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- ❖ committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility)
- ❖ injuring themselves or others
- ❖ causing damage to property (including the pupil’s own property)
- ❖ engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils whether that behaviour occurs in a classroom during a teaching session or elsewhere²”.

School staff are also, like everyone else, allowed to use reasonable force (the minimum necessary) to defend themselves.

At Hanover, teachers, teaching assistants, learning mentors and midday meals supervisors are authorised by the Headteacher, to have control of pupils and must be made aware of this policy and its implications.

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 lawful use of the power will provide a defence to any related criminal prosecution or other legal action.

We take the view that staff are not expected to put themselves in danger, and that removing pupils and themselves from a source of danger is a proper thing to do. We appreciate the integrity of our staff and value their efforts to rectify situations that are difficult and in which they exercise their duty of care for their pupils. We do not, however, require them to go beyond what is reasonable. In particular it is acceptable for any member of staff to decide that they will not use physical intervention for personal reasons.

Acceptable Physical Intervention

Reasonable force is not defined legally in isolation. It must be justified as appropriate by the circumstances. We will use only the minimum force that is needed to restore safety or appropriate behaviour, and we take account of the age, understanding and gender of the pupil.

Acceptable forms of intervention in this school include:

- ❖ leading or guiding a pupil by the arm, or shepherding them with a hand in the centre of the back.
- ❖ Holding a pupil who has lost control until they are calm and safe
- ❖ Physically moving between and separating two pupils
- ❖ Blocking a pupil’s path
- ❖ Use of reasonable force to remove a weapon or dangerous object from a pupil’s grasp

¹ For example, support staff, non-teaching staff and voluntary staff

² For example, when out on a school visit

- ❖ Where there is immediate risk of injury, any necessary action this is consistent with the concept of `reasonable force` - i.e. to prevent a pupil running into a busy road or hitting or hurting someone
- ❖ Using more restrictive holds in extreme circumstances.

It is also acceptable for doors to have double or high locks to ensure pupil safety, or for external doors to be locked for security purposes, if a member of staff is always with the pupils in such circumstances.

Staff may move, defend themselves, lead, restrain or block someone, bearing in mind the whole time their own safety as well as that of others and of the child who is the subject of any restraint or other intervention.

It is *unacceptable* and likely to be illegal or grounds for disciplinary action for staff to use any physical intervention designed to cause pain or injury, including:

- ❖ any form of corporal punishment, slapping, punching or kicking
- ❖ holding by the neck or collar, or otherwise restricting the ability to breathe
- ❖ holding by the hair or an ear
- ❖ twisting or forcing limbs against a joint
- ❖ tripping up a pupil or holding an arm out at neck or head height to stop them
- ❖ holding a pupil face down on the ground or sitting on them
- ❖ shutting or locking a pupil in a room, except in extreme situations whilst summoning support.

Staff should also avoid touching or holding a pupil in a way that might be considered indecent.

Physical interventions are permitted to achieve a search of clothing or property if staff have good reason to believe that a weapon or dangerous drugs are being concealed.

Using Physical Intervention

Except in cases where there is immediate danger, we would normally try other ways of resolving or de-escalating a situation. These could include:

- ❖ calmly restating the rules and expectations for the situation
- ❖ removing other pupils from the situation and thus from danger or from being an audience
- ❖ use of physical proximity, but not in a threatening way
- ❖ encouraging the pupil to withdraw to a safer and calmer situation
- ❖ calling another adult for support or to take over.

If more than minor physical intervention is judged to be necessary, the teacher or adult in charge should:

- ❖ send for assistance of another adult (for support or to take over, and as a witness)
- ❖ remove other pupils from the scene if possible
- ❖ continue to talk calmly to the pupil explaining what will happen, and under what circumstances the physical intervention will cease (but not in a threatening way)
- ❖ use the minimum force necessary and cease the intervention as soon as it is judged safe
- ❖ not act punitively in any way verbally or physically.

In some circumstances we may consider it appropriate to call the police.

Pupils displaying extreme behaviour in relation to a learning disability, autistic spectrum disorders, behavioural, emotional and social difficulties or pupils with severe behavioural difficulties will be handled according to the ‘Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties’³.

Schools have two duties under Part 4 of the Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disability Act 2001):

- ❖ Not to treat a disabled child unfavourably without justification
- ❖ To take reasonable steps to avoid putting disabled pupils at a substantial disadvantage

Recording Physical Intervention

Following a significant incident of physical intervention, when a pupil has resisted or challenged and force has been used, the teacher or adult responsible should as soon as possible inform the Head teacher or in her absence the Deputy Head/Assistant Head or another senior member of staff. We acknowledge that such events are stressful for both pupils and staff, and both parties will need time to recover, with the chance of debriefing and resolving the situation.

A full written account of the incident will be made by the member of staff concerned and recorded in the Physical Intervention Incident Book with numbered pages. The report will contain:

- ❖ name(s) of pupil(s) concerned, when and where the incident occurred
- ❖ names of staff or pupils who witnessed
- ❖ the reason why force was needed
- ❖ how the incident began and progressed, who said what, who did what
- ❖ what was done to calm things down
- ❖ what degree of force was used; what kind of hold, where and for how long
- ❖ pupil’s response and the outcome of the incident
- ❖ details of any injury to any person or damage to property

The report must be signed and dated by the member of staff and countersigned that it has been read by the Headteacher or in her absence the Deputy Headteacher/Assistant Headteacher or another senior member of staff who will:

- ❖ discuss the incident with the pupil as soon as possible
- ❖ interview staff involved and any other witnesses
- ❖ inform the pupil’s parents/carers and social worker if relevant
- ❖ record any disagreements expressed by the pupil or adults about the event
- ❖ take any appropriate further action, liaising with the LA, governors or unions as appropriate, and acting with the LA’s Child Protection Procedures.

We report individual incidents, if and when they occur, to the governing body via the Chair, without identifying the pupil. We also report incidents to the Education Health and Safety Team using the Report of Violent Incident Form when a member of staff has been threatened, attacked or otherwise harmed.

Planning for Physical Intervention

Where we think a pupil might require physical restraint, we plan in advance and know who will do what. This planning includes helping pupils to avoid provoking situations, helping them find success and minimise frustration, and develop our own skills. It also helps us to see better where we can head off difficulties when we spot them early enough. The plan will include :

- ❖ involving the parents and the pupil to gain their views and to ensure that they are clear about what specific action the school might need to take
- ❖ a risk assessment that considers carefully the likely outcomes to the pupil and others of undertaking intervention or not
- ❖ managing the pupil (eg reactive strategies to de-escalate a conflict, at what stage and what types of holds to be used
- ❖ identifying key staff who should know exactly what action they should be taking. Any member of staff who may have to use a physical intervention should always be fully briefed about the child in question, and it is best if they are well known to the child
- ❖ ensuring that additional support can be summoned if appropriate
- ❖ identifying training needs and updates.

Searching Pupils

Section 45 of the Violent Crime Reduction Act 2006 gives Head teachers and authorised staff the right to search pupils for weapons without their consent, where they have reasonable cause to suspect they are carrying a weapon. If resistance is expected we will call the Police. Further guidance is in the Department for Education's Guidance, 'Use of Reasonable Force - Advice for Head teachers, Staff and Governing Bodies'⁴.

Training

We are clear that training of staff is vital in this area if we are to be seen to adopt the best practice and maintain a record of safe management of all school situations. We, therefore, make budgetary allowance for the following kinds of training :

- ❖ awareness training - for governors, staff and parents/carers
- ❖ general training on behaviour management for all staff (not just teachers)
- ❖ training on avoiding and coping with crisis/difficult/physically challenging events for identified pupils
- ❖ specific training and skill development on use of the some basic `breakaway` or `hold` techniques that are safe and useful to know, for all or some staff
- ❖ training and skill development on more advances holds or methods for restraining and controlling others and avoiding serious personal harm (to self or others)
- ❖ we believe that skills need to be developed and renewed and therefore use training programmes that provide `top ups` and extensions; we only use courses on restraint that are accredited by BLD (British Institute for Learning Difficulties).

⁴ <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

Who Needs to Know?

Everyone connected with the school should know of the existence of the policy and feel free to study it in detail if they wish or need to do so. Not everyone, however, needs to know about specific incidents. The chart below sets out the information.

	About the Policy	About a Specific Incident
Governors	Yes	Not generally and never all governors
Parents/Carers	Yes	About incidents relating to their own child
Staff	Yes	About incidents involving pupils they may have charge of
Pupils	Yes	Only those they witness
LEA Health & Safety Team	Yes	Normally annual report
Unions	Yes	If informed by members

Complaints

We hope that by adopting this policy and keeping parents well informed, this will help to avoid the need for complaints. Any disputes that do arise about the use of force by a member of staff will be dealt with in accordance with the Lea Child Protection Procedures, a copy of which is available in school. This could in some circumstances lead to an investigation by police and social services.

Complaints about this policy should be directed to the Headteacher or Chair of Governors.

References

- ❖ DFEE Circular 10/98 `Section 550A of the Education Act 1996: The Use of Force to Control or Restrain Pupils` http://www.dfes.gov.uk/circulars/10_98/part1.htm
- ❖ Advice from unions and professional associations
- ❖ British Institute of Learning Difficulties (BILD): Code of Practice for Trainers in the Use of Physical Interventions 2001.