

HINCHINGBROOKE SCHOOL

Inspiring Excellence Fulfilling Potential



Policy Statement
on
PHYSICAL INTERVENTION

Revised: 3 Yearly (D&W Committee)
Approved by Governing Body: February 2019

PHYSICAL INTERVENTION POLICY

1. Key Elements

Hinchingsbrooke School believes in providing a safe and secure environment in which children and young people feel cared for and in which staff feel effectively supported.

This policy and the school's behaviour policy recognise the need for a positive and safe environment in which children and young people can develop and learn, with strategies to prevent situations from escalating and the use of interventions such as restorative approaches and use of de-escalation techniques to promote positive behaviour.

In school we promote independence, choice and inclusion and to establish an environment that enables children and young people to have maximum opportunity for personal growth and emotional wellbeing. There are clear behavioural expectations for children and young people as well as opportunities for children and young people to have their voices heard and their views regarding behaviour issues taken seriously by adults.

It is essential to recognise that behaviour is a form of communication. A common principle in behaviour management is looking for the message an individual is communicating through their behaviour: 'All behaviour has meaning'. This means that presenting behaviours may need to be interpreted with care and with consideration to underlying issues such as pain or distress. This is particularly the case with young people with special educational needs and disabilities (SEND) but all children and young people demonstrate their feelings through their behaviour.

The majority of children and young people demonstrate behaviour that is perceived as both appropriate and good. However, there are a minority of children and young people who exhibit challenging behaviour. Challenging behaviour is defined as "culturally abnormal behaviour(s) of such intensity, frequency or duration that the physical safety of the person or others is placed in serious jeopardy, or behaviour which is likely to seriously limit or deny access to the use of ordinary community facilities" (Emerson, E, 2001). Common types of challenging behaviour include self injurious behaviour, aggressive behaviour, inappropriate sexualised behaviour, behaviour directed at property and stereotyped behaviours. This policy has been developed to help prepare for and appropriately manage this challenging behaviour.

Hinchingsbrooke School encourages the use of de-escalation methods and the use of restorative approaches, to manage behaviour and restore and maintain relationships. Our curriculum supports the development of social and emotional skills associated with self-awareness, managing feelings, motivation, empathy and social skills. These skills also underpin effective learning, positive behaviour, regular attendance, staff effectiveness as well as the emotional health and wellbeing of all who learn and work in school.

We recognise that there is occasionally a requirement for the use of restrictive physical intervention to prevent injury or harm to a child, young person or an adult. This will be as a last resort when non-physical interventions have failed or when a person is at significant risk. In these circumstances it must be an act of care and protection; of taking control for the safety of all, and not as a form of punishment.

Consistency in approach to behaviour management is important, both to provide the most effective support for children and young people and to reduce the possibility of confusion or disagreements between staff.

All, children and young people, and adults working with them, have a right to be treated with respect, care and dignity. This is especially the case when they are presenting risk or behaving in ways that may be harmful to themselves or others and as a result require physical intervention from staff. By following this policy, staff will be helped to act appropriately and in a safe manner, so ensuring effective responses in situations, especially where there may be physical challenge.

Key points:

- All school staff have an entitlement to use force and the lawful use of this will provide a defence to any related legal action. This is supported by senior staff, the principal and governors
- this does not require parent/carer consent
- staff have a duty of care towards all students to prevent them causing harm to themselves or others
- staff should not be expected to put themselves in danger and that removing other pupils and themselves from risky situations may be the right thing to do staff suspension is not an automatic response when a member of staff has been accused of using excessive force.

2. Appropriate Use of Force and Physical Intervention. The Law and Guidance

This policy does not seek to provide a full legal summary nor to offer advice for the context in which any incident might occur.

There are laws and guidance from both national and international organisations to advise and support the need for physical intervention, e.g. Use of Reasonable Force. Advice for Headteachers, staff and governing bodies (DFE) July 2013

All staff should be aware of safer working practice and should be familiar with the guidance contained in the staff handbook, relevant school policies, see below, and school advice and training. They should also have read and implement in their practice, Guidance for safer working practice for those working with children and young people in education settings (October 2015)

This policy should also be read alongside school policies for:

- Anti-Bullying
- Behaviour and Attendance
- Concern and Complaints
- Health and Safety
- Safeguarding
- Special Educational Needs
- Supporting Students at School with Medical Conditions

It is important to recognise that positive or 'contingent' touch may be beneficial in some cases, for some children and young people, and that this policy does not seek to avoid all physical contact between staff and children / young people.

'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.' (*Use of Reasonable Force: Advice for Headteachers, staff and governing bodies* (2013))

Examples of where touching a student might be proper or necessary:

- holding the hand of a young (primary aged) child at the front/back of the line when going to assembly or when walking together around the school
- when comforting a distressed student
- when a student is being congratulated or praised
- to demonstrate how to use a musical instrument
- to demonstrate exercises or techniques during PE lessons or sports coaching
- to give first aid.
- to gently direct a student
- in an emergency to avert a danger.

Wherever possible, adults should seek the pupil's permission before initiating contact and be sensitive to any signs that they may be uncomfortable or embarrassed. Staff should acknowledge that some students are more comfortable with touch than others and/or may be more comfortable with touch from some adults than others. Staff should listen, observe and take note of the child's reaction or feelings and, so far as is possible, use a level of contact and/or form of communication which is acceptable to the student.

It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one student, in one set of circumstances, may be inappropriate in another, or with a different child. In all situations where physical contact between staff and students takes place, staff must consider the following:

- The student's age and level of understanding
- The student's individual characteristics and history
- The duration of contact
- The location where the contact takes place (it should not take place in private without others present)

The law and guidance for schools states that adults may reasonably intervene to prevent a child from:

- committing a criminal offence
- injuring themselves or others
- causing damage to property
- engaging in behaviour prejudicial to good order and to maintain good order and discipline.

This applies to:

- any teacher who works at the school, and
- any other person whom the head teacher/principal has authorised to have control or charge of students.

This:

- includes support staff whose job normally includes supervising students such as teaching assistants, cover supervisors, learning mentors and lunchtime supervisors
- can also include people to whom the head teacher/principal has given temporary authorisation to have control or charge of students such as paid members of staff whose job does not normally involve supervising students (for example catering or premises-related staff) and unpaid volunteers (for example, parent/carer accompanying students on school organised visits)
- does not include prefects.

The use of reasonable force/physical intervention may be used where the student (including a student from another school) is on school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

At Hinchingsbrooke, we will endeavour to use physical intervention only for the purposes of averting immediate danger of personal injury to any person (including the child/young person) or to manage a child'/young person's behaviour if absolutely necessary. As such:

- Physical intervention should, wherever possible, try to be avoided
- there are occasions when the use of such interventions would be appropriate
- such interventions should always be reasonable and proportional to the circumstances
- when physical interventions are necessary, they should recognise the need to maintain the dignity of all concerned as well as always being intended to preserve their safety
- physical interventions need to be child or young person specific, integrated with other less intrusive approaches, and clearly part of an education plan approach to reduce risk when needed
- it must not become a standard way of managing children and young people, or as a substitute for training in people related skills
- it must not be used simply to maintain or bolster good order in the classroom or other environment.
- it should never become habitual or routine.
- it cannot be used as a punishment. Corporal punishment is unlawful.
- it is a criminal offence to use physical force, or to threaten to use force (for example, by raising a fist, or using verbal threat)

Force cannot be used to search for banned items under school rules. However, authorised staff can use reasonable force to conduct searches for "prohibited items":

- knives
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic material
- any item that has been or is likely to be used to commit an offence, cause personal injury or damage property.

At Hinchingsbrooke, we will endeavour to search for any prohibited items and confiscate them using senior staff and with the consent and cooperation of the young person involved.

When is physical intervention 'reasonable'?

The decision on whether to physically intervene is down to the professional judgement of the member of staff concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, will also depend on the age and understanding of the child or young person, as reasonable use is likely to vary

greatly from a very young child to a young adult. It is also important to recognise that where a restraint might be considered reasonable in one instance it may not be in another.

There is no legal definition of 'reasonable force' so 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. It will always depend on all the circumstances of the case.

Ultimately only a court may judge what is reasonable in terms of the amount of force used in physical restraint and obviously will do so retrospectively.

Interventions may be:

- **Reactive**, which occur in response to unforeseen events
Including passive physical contact to control a situation such as standing between students, blocking a student's path, leading a student by the arm away from a location; or, a physical restraint to control a student such as separating two students who refuse to stop fighting.
- **Proactive**, in which staff employ, where necessary, prearranged strategies and methods which are based upon a risk assessment and recorded in individual plans.

The decision to intervene using physical restraint should be a professional judgment taken calmly and in full knowledge of the desired outcome. Though likely to be a last resort it should be an act of care, not punishment; a conscious decision to act in the child or other's best interest, and not an act of desperation or a tool to force compliance.

If a child acts in a way which is dangerous or harmful to him or herself or others, then it is expected that a member of staff dealing with the behaviour reacts in a way consistent with the duty of care they have for that child. The use of force should only be applied if it is reasonable, proportionate and absolutely necessary.

Following a reactive incident, if it is considered that similar situations are likely to occur again then a risk assessment will be undertaken and appropriate training given to staff in **restrictive physical intervention**, if necessary. Use of a proactive restrictive physical intervention describes how a trained member of staff uses an approved hold or technique to physically contain a young person, the use of this approach may have been agreed as part of an assessed management plan. The use of force is used to describe situations other than this where the use of a physical response may be to prevent immediate and significant harm occurring in a situation which cannot be contained in any other manner.

Only the minimum of restrictive physical intervention necessary to prevent injury or to remove the risk of harm should be applied and, if used, this should be accompanied by calmly letting the child/young person know what they need to do to remove the need for restrictive physical intervention. Staff should seek to recognise signs when a child becomes calm whilst being held; they may physically feel it as this is part of the child's communication that they have calmed down.

As soon as it is safe to do so, the restrictive physical intervention should be gradually relaxed to allow the child or young person to gain self-control.

In all cases where physical intervention has taken place it is clearly recorded and shared as appropriate including the child's parents/carers and the Principal. This record is via the (Local Authority recommended) Blue Book, kept by safeguarding staff in Student Services. This will detail:

- The names of the staff and student(s) involved
- The reason for using a Restrictive Physical Intervention (rather than another strategy)
- The type of Restrictive Physical Intervention employed
- How the incident began and progressed, including details of the student's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long
- The date and the duration of the intervention
- Whether the student or anyone else experienced injury or distress and, if they did, what action was taken

We ensure that:

- all incidents of restrictive physical intervention are recorded and reported as required
- appropriate support and de-briefs are available to children, young people and staff, and that they are aware of how to access the support available
- parents and carers are kept informed of any risks or incidents requiring physical intervention or use of force.

3. De-escalation, Prevention, Risk Management and Restorative Approaches

Staff are aware of the importance of recognising behaviours and situations that could trigger or heighten the risk of challenging behaviour, violence and aggression and seek to mitigate, avoid or remove them wherever possible. This is embedded in staff training.

Staff are also aware of the individual plans and risk assessments around specific children and young people.

At transition points, where a child moves between settings/schools, particularly if that child has complex communication needs, the forwarding school will up-date and inform staff at Hinchingsbrooke, in detail, what these needs are. If this is not clear and not fully shared and agreed it will delay the transfer of the student to Hinchingsbrooke School.

A dynamic risk assessment will be used by staff whenever faced with a behavioural incident. A dynamic risk assessment is an active and continuous process by which the person observes the situation and takes into account the historical as well the current context of the behaviour before making a decision about how to act. This process of observation and review will be ongoing, in order to take account of what is likely to be a rapidly changing situation.

De-escalation techniques are used as a first line strategy following a dynamic risk assessment, whenever there is a threat of violence or aggression towards an individual or property. Communicating calmly with the child or young person, using non-threatening verbal cues and understanding body language and physical proximity can all contribute to helping a child or young person to see a way out of a situation. Helping children and young people to recognise their own triggers is an important component of a “de-escalation” strategy developed in respect of a particular child or young person, which can lead to greater self-management skills being developed.

Restorative approaches are explored as a method of managing conflict situations. Although often employed as a means of resolution after an event has occurred, the use of restorative approaches also enables children and young people to develop self-awareness and management of their feelings through their experiences. This approach helps the child or young person to take responsibility for what they do/did and teaches understanding and empathy which can assist in self-management skills.

4. Disability, Special Needs and Emotional Wellbeing

This policy and subsequent practice takes proper account of the particular special educational needs and disabilities children/young people may have. Under the Disability Discrimination Act 1995 reasonable steps are taken to ensure disabled children/young people are not placed at a substantial disadvantage in comparison with those who are not disabled, in their access to education and associated services (sometime referred to as the duty to make *reasonable adjustments*). This duty should not mean over-compensation.

Children and young people with a disability, special need and/or emotional health and wellbeing difficulties will have an individual, multi agency plan and risk assessment around their needs and behaviour, addressing any wider issues or underlying difficulties. For example, an Education, Health and Care Plan (EHCP), Early Help Assessment (EHA) and/or Pastoral Support Plan (PSP). These are used in order to assess and plan for student needs.

There will be clear planning for any intervention or specific support which is identified as being required. Any specific issues stemming from these needs will be identified to allow for planning for episodes of difficult or challenging behaviour. This will be particularly important for children and young people whose SEN and/or disabilities are associated with:

- Communication impairments that make them less responsive to verbal communication or unable to communicate their needs or feelings effectively;
- physical disabilities and/or sensory impairments;
- conditions that make them fragile, such as haemophilia, brittle bone disease or epilepsy;
- dependence on equipment such as wheelchairs, breathing or feeding tubes;
- severe learning difficulties.

Knowledge and insight about a child or young person that their parents/carers and other professionals involved with the family can provide will be key to managing behaviour and preventing the need for physical intervention.

Any risk assessment will take into account the skills and abilities available or required of staff in dealing with the child or young person. Training needs will be reviewed as required. This is relevant to ensure that suitably qualified and trained staff are available to deal with the child or young person. Also to ensure that the staff member is prepared to deal with the situation; thus meeting the duty of care in respect of the individual and for the employee. At the very least advice will be sought from someone who knows the child or young person well, to ensure early signals are recognised, to allow staff to work preventatively and avoid escalation.

5. Post Incident Management

Following an incident where restrictive physical intervention or use of force has been used, all involved, including staff and children and young people, will separately be given the opportunity to reflect on and discuss in detail what has happened and what effect this has had on them. This will only happen once the people involved have regained their composure, and be done in a calm and safe environment. At no point will this process be used to apportion blame or dispense punishment. If at any point there is reason to suspect that someone involved has been injured or severely distressed, medical attention will be immediately sought.

A full and systematic record of every restrictive physical intervention is kept. This helps ensure policy guidelines are followed correctly. It also gives a clear record used to inform parents/carers and to inform

future planning as part of improvement processes. An accurate record also helps to prevent misunderstanding or misinterpretation of the incident, and to provide a record for any future enquiry. This is done within a specific timescale. Further, this will enable accurate monitoring by the Local Authority, whilst copies of records of all restrictive physical interventions in the Intervention Incident Record Form (Blue Book) will be shared with the Local Authority.

Support for others witnessing or otherwise involved in the incident will need to be considered. This may involve giving the child or young person who has been restrained the opportunity to recognise and help repair the damage or harm that has resulted from their behaviour, and enable them to develop their emotional and social skills. This can be done through restorative approaches or other reflective methods.

6. Complaints and Allegations

Children and young people and their parents/carers have a right to complain about actions taken by staff. This includes the use of restrictive physical intervention. There is a clear complaints procedure and policy available on our website.

All complaints about the use of force will be thoroughly, speedily and appropriately investigated. When a complaint is made the onus is on the person making the complaint to prove that their allegations are true – it is not for the member of staff to show they acted reasonably.

This policy and its clarity should help to avoid complaints from a child or young person, their parents/carers, other relatives or carers. However, it may not prevent all complaints.

If a complaint is made staff suspension is not automatic. If a specific allegation is made against a member of staff, the allegation will be reported to the relevant Education Advisor who will liaise with the Local Authority Designated Officer (LADO) without delay. Guidance can be found in section 9 of DFE: ***Use of reasonable force. Advice for head teachers, staff and governing bodies*** (2013) and in the document, “Dealing with Allegations of Abuse against Teachers and Other Staff”.

If a complaint results in a disciplinary hearing, or a criminal prosecution it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in the circumstances.

7. Staff Training

Staff receive training, including updates and refresher courses, appropriate to their role and responsibilities. However, individuals have a statutory entitlement to use force by virtue of their job so staff whose job involves having control or charge of children and young people cannot be lawfully prevented from using that entitlement regardless of whether they have received training.

Staff who are expected to employ restrictive physical interventions will require additional specialised training. The nature and extent of the training will depend on the characteristics of those who may require a restrictive physical intervention, the behaviours they present and the responsibilities of the individual staff member.

Only accredited methods of restrictive physical intervention are used. Techniques will be closely matched to the characteristics of individual children and young people and reflected in the risk assessment.

8. Overview and Monitoring

Incidents of violence and aggression and the use of restraint are monitored. Any incident is recorded in the “Blue Book” and on the school’s safeguarding reporting system, My Concern.

Control of risks associated with physical intervention, including the frequency and severity of incidents (and the reduction there of), violence at work and behaviour management are monitored and reported to governors, and where applicable, the Local Authority who will copy it to the Local Safeguarding Children’s Board, for statistical monitoring.

Any incidence of restrictive physical intervention that results in medical treatment for either a child or young person or a staff member will be reported to the Local Authority Any necessary health and safety forms will also be completed and if any resulting injury falls under the requirements of RIDDOR we will notify the Health and Safety Executive.

AJH January 2019

Use of Reasonable Force. Advice for Headteachers, staff and governing bodies (DFE) July 2013

Guidance for safer working practice for those working with children and young people in education settings October 2015

Dealing with Allegations of Abuse against Teachers and Other Staff”, DFE 2012