

St Andrew's CEVC Primary School, Great Yeldham

PHYSICAL CONTACT AND INTERVENTION POLICY



**Reviewed by Maria Trappitt
(January 2010)**

**St. Andrew's C of E (VC) Primary School
Church Road
Great Yeldham
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Aims and Purpose

To establish clarity amongst Governors, staff, parents and pupils as to the circumstances in which physical intervention may be appropriate.

To describe what actions staff may take when incidents occur that may require the physical restraint of a pupil.

To define the procedures that must be taken immediately after any such incident.

The Legal Framework

Section 93 of the Education and Inspections Act 2006 sets out what physical interventions staff in schools may legally use. The Act states that:

“A member of the staff of a school may use, in relation to any pupil at the school, such force as is reasonable in the circumstances for the purpose of preventing the pupil from doing (or continuing to do) any of the following:

- committing any offence (or for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- causing personal injury to, or damage to the property of, any person (including the pupil himself); or
- prejudicing the maintenance of good order and discipline at the school or among any pupil receiving education at the school, whether during teaching sessions or otherwise.

The staff to which this power applies is defined in Section 95 of the Act: “any teacher who works at the school and any other person who, with the authority of the head teacher, has lawful control or charge of pupils at the school”. This may include classroom assistants, mid-day supervisors, escorts or voluntary helpers, including people accompanying pupils on visits, exchanges or holidays organised by the school.

Searching Children

St Andrew’s School will seek the consent of the child before a search. If because of their age or stage of development, a child is unable to give their informed consent, then a parent will be contacted. If the child refuses to disclose willingly the item they are suspected of concealing, the staff should explain to the child that the parent/carer and police will need to be called to the school.

Searches should only take place in the presence of the head teacher or another senior member of staff and, where possible, be conducted by a member of staff of the same sex as the child.

Furthermore, if drugs, stolen property or concealed weapons are suspected, it would be more appropriately dealt with by the police in any event.

Intended Outcomes

This document sets out a number of key principles of which will be supported in greater depth by practice guidance. It is intended to achieve the following in relation to the management of violence:

- An environment that is safe for children, young people and adults that use the Council's services and employees of the Council.
- A working environment where violence is not acceptable and is kept to a minimum through effective systems of management and intervention.
- A working environment where challenging, aggressive and violent behaviour is prevented wherever possible.
- A working environment where staff are clear about when physical intervention is appropriate and are empowered to use it within a clear framework.

Minimum Reasonable Force

There is no legal definition of 'minimum reasonable force'. The degree of force that may be used depends on all the particular circumstances. There are three relevant considerations.

- The use of minimum force can be regarded as reasonable only if the circumstances of the particular incident warrant it. It must be possible to show that, unless immediate action had been taken, there were strong indicators that injury or damage to property would follow. The use of any degree of force is unlawful, if the particular circumstances do not warrant the use of physical force.
- The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.
- A physical intervention must only employ a minimum amount of force - i.e. the minimum force needed to avoid injury, damage to property or to prevent a breakdown in discipline - for the shortest period of time. Whether it is reasonable to use force, and the degree of force that could reasonably be employed, may also depend on the age, understanding, physical maturity and sex of the pupil. The decision to use a physical intervention must take account of the circumstances and be based on an assessment of the risks associated with the intervention compared with the risks of not employing a physical intervention. The resulting risk management strategy must be compatible with a positive behaviour management approach.

Preventing the need for Physical Intervention

Children's rights must be respected and effective communication must be used to convey important information to them.

Techniques to de-escalate a problem should be used first, wherever possible. The following actions should also be used to reduce the risk of escalation:

- the appropriate use of language, positive tone of voice and non-threatening body stance;
- verbally acknowledging the child's distress/anger and attempting to calm the heat of the moment by 'talking down' the problem;
- listening and reassuring;
- negotiating with all parties;
- asking onlookers to ignore an escalating situation and in some circumstances asking them to leave the scene;
- respecting the dignity of all concerned;
- taking the child's problem seriously.

Risk Assessment and the decision to use Physical Intervention

Whenever it is reasonably foreseeable that a pupil might require physical intervention, a risk assessment should be carried out, which identifies the benefits and risks associated with different intervention strategies and ways of supporting the pupil. The use of physical intervention should be minimised by the use of preventative strategies whenever it is foreseeable that a young person might require this intervention. The risk assessment must clarify the threshold for intervention and the interventions likely to be required.

- Use of physical intervention should only ever be as a last resort following the application of other appropriate strategies such as withdrawing from the situation, de-escalation and the instruction to stop,
- Where physical intervention is being used for the safety of staff, children, young people and adults, the best interest of the individual must be the fundamental consideration,
- The scale and nature of any physical intervention must be **proportionate** to both the behaviour of the individual to be controlled and the nature of the harm they might cause or suffer,
- The minimum use of force for the least amount of time must be used, phasing down as soon as possible,
- Use of physical interventions will be appropriately reported, recorded and monitored using systems established by the ECC.

Risk assessments and management plans for physical intervention should be the product of an assessment made collaboratively by those professionally involved with the young person and their parents/carers, thus indicating that a broad range of views have been taken into account in its completion. This risk assessment will form part of the individual's behaviour management plan.

When de-escalation methods prove ineffective and the risk of significant harm has not been removed, provided the situation still meets the criteria set out above, staff may intervene to use approved methods of physical intervention.

Taking the Decision to use Physical Intervention

The degree of physical intervention used should be the minimum needed to achieve the required result. Use of physical intervention could not be justified to prevent trivial misbehaviour. However, deciding whether misbehaviour is trivial also depends on circumstance. For example running in an area crowded with small children may be dangerous enough not to be regarded as trivial.

Measures to de-escalate the situation must always be tried first. However, there may be times when these methods do not work and the risk of significant harm has not been removed! Provided the situation still meets the legal requirements staff may intervene to use approved methods of physical intervention.

Staff must issue children with verbal warnings that physical intervention or restraint will be used unless the challenging behaviour ceases. The tone of voice needs to be firm and decisive, and statements must be unambiguous and clear. Staff should also be aware of the measures, developed and taken in advance, which have been designed to prevent the need for restraint.

On rare occasions there may be no alternative to restraining children physically, in their own and others' interests and safety. In such instances no more than minimum necessary force should be used, taking into account all of the circumstances. Such interventions should only be made when they are likely to succeed. Ideally, more than one adult should be present. Physical restraint is normally only necessary to prevent a child causing harm to him/her or to others, seriously damaging property, when verbal commands will not control the behaviour.

Physical contact and restraint should never be used in anger and staff should make every effort to avoid any injury to the child. At St Andrew's Primary School no member of staff is expected to restrain a child if by doing so will put themselves at significant risk. Brief periods of withdrawal away from the point of conflict into a calmer environment may be more effective for an agitated child than holding or physical restraint.

During an incident of restraint:

- appropriate techniques should be used;
- the minimum necessary force should be used;
- the child should continually be offered the opportunity to regain self control;
- gender or cultural differences should be taken into account;
- children should never be restrained by being tied up or bound;
- the member of staff should continue attempting to communicate with the pupil throughout the incident and should make it clear that physical intervention will stop as soon as it ceases to be necessary.

Where Physical Contact may be Acceptable

Control is not the only circumstance where physical contact is used between staff and children. The following guiding principles are suggested:

- The level and type of physical contact should reflect the educational and social and emotional well-being of the child. Physical contact is likely to occur in some PE and drama activities, or aspects of personal care, for example, toileting. Issues in relation to privacy and personal care situations need to be given particular thought, in order that children and staff are not placed in potentially vulnerable situations without full consideration of the circumstances being assessed and appropriate plans devised and agreed.
- Physical contact should not respond nor lead to expectations or anxieties of any form. It should not become habitual. Specific consideration should be given to the needs of children in school who may have suffered abuse and/or neglect.
- Children asking a member of staff for physical comfort should be responded to in line with the policy. However, staff should ensure that their response is not translated as rejection.
- There should be no general expectations of privacy for the physical expression of affection or comfort. All staff should endeavour not to be alone with a child in such a situation.

Recording, Reporting and Monitoring

All incidents where physical intervention has been necessary should be reported and recorded in accordance with Essex County Council's incident reporting procedures. Incidents need to be reported to the head teacher immediately following an incident and clearly recorded in an incident book with consecutively numbered pages. Any incidents/injuries to staff or pupils need reporting in accordance with RIDDOR (reporting of injuries, diseases and dangerous occurrences regulation 1995).

It is important that there is a detailed, current, written record of any occasion when a physical intervention is used. It may help prevent any misunderstanding or misrepresentation of the incident and it will be helpful if there is a complaint. Written reports should be recorded at the earliest opportunity but within one working day after the event, stating:

- the pupil's name;
- the date, time and place the physical intervention occurred;
- what led up to the incident;
- the strategy used to diffuse the situation;
- what exactly happened (a brief factual account);
- whether the pupil was warned before any physical intervention;
- why physical intervention was necessary;
- how physical intervention was carried out;
- who physically intervened;

- how long this physical intervention lasted;
- who was present during the period of physical intervention;
- any marks or injuries noted on the child or member of staff as a result of the incident and how they occurred;
- action taken such as treatment in relation to any marks or injuries occurring as a result of the incident to either the child/ren or member/s of staff concerned;

The child's parent/carer must be informed when physical intervention has been necessary by, at the latest, the end of the working day though preferably by the end of the morning or afternoon session in which the incident occurred.

The use of physical interventions should be monitored in order to help staff learn from experience, promote the well-being of children in their care and provide a basis for appropriate support. In particular, this should cover the frequency with which they are used in relation to the staff and pupils involved. Monitoring of records should also help the school to develop its policy and practice, inform risk assessment and management, and to identify training needs. The policy should specify the role of governors in the review of policy and procedures.

Where restrictive physical intervention was needed to control an act of violence or where its use led to an individual being injured you must record this on the Health and Safety Incident Form.

Support for Staff

As soon as possible after the incident, an assessment of the impact of the incident on the staff involved should be undertaken by the head teacher, or other responsible person, to ensure that those involved have appropriate emotional support and a follow-up action plan devised. If, as a result of an episode of restraint, a member of staff is found not to be in a fit condition to carry on working arrangements to take their class must be made.

If a child is determined to leave the premises, and the use of physical restraint does not successfully prevent them doing so, the child should be allowed to leave rather than put members of staff in a position where the boundaries of physical restraint are going to be broken. The parent/carer, and if necessary the police, must be informed immediately.

Complaints and Allegations

Complaints can be avoided by involving parents/carers when an incident occurs, together with a clear policy about the use of physical interventions that is followed by all staff. However, this will not always be the case and a dispute about the use of a physical intervention by a member of staff might lead to an investigation, either under disciplinary procedures or by the Police and Social Services under child protection procedures.

Consequences of Inappropriate Physical Intervention

In the event that physical intervention leads to court proceedings, a court would judge retrospectively whether a reasonable and acceptable level of force was used to control a child, and each case would be examined on its own merits. However, there are certain hurting actions that would almost certainly be considered unreasonable under any circumstances.

Examples of these are:

- hitting a child;
- shaking a child;
- pulling a child's hair;
- holding a child's arm behind his/her back;
- excessively squeezing any part of a child's body (e.g. with hands or by kneeling);
- punching, slapping, dragging, smacking and kicking;
- twisting or forcing limbs against a joint;
- tripping;
- holding a pupil by the hair or ear;
- holding a pupil face down on the floor;
- holding a pupil around the neck, or by the collar, or in any way that might restrict the pupil's ability to breathe.

No one set of guidelines can advise for every eventuality. Professional staff are expected to make their own judgements in the light of this guidance.

Training for Staff

Members of staff who may need to use physical interventions require specialised training. The nature and extent of the training will depend upon the characteristics of the pupils who may require a physical intervention, the behaviours they present and the responsibilities of individual members of staff. This training is intended to help staff to link meeting children's needs with positive behaviour management. Staff should normally only use types of physical intervention for which they have received training.

When commissioning or undertaking physical intervention training, the following principles should be adhered to:

- prevention of challenging behaviour should always be the focus of approach;
- acknowledgement should always be given to the pupil's rights and dignity;
- violence is not acceptable;
- staff safety and protection is always of concern, consequently, training should include breakaway techniques;
- primary and secondary strategies used will always be chosen in accordance with each individual's specific needs and in line with their individual plan;
- the use of physical intervention should always be a last resort;

- the minimum use of force is applied for the least required time and there is no deliberate use of pain;
- there is no use of restraint against joints;
- pupils are never deliberately taken to the floor;
- there is no use of face down holds on the floor.

Cross references to other adopted ECC policies, school policies and other non-statutory guidance for schools.

- Essex County Council Health, Safety and Welfare Policy and Subordinate Business Health Safety and Welfare Policies.
- Violence at Work Policy.
- Harassment and Bullying in the Workplace Policy.
- Management of Lone Working Health and Safety Code of Practice.
- Guidance for Safe Working Practices for the Protection of Children and staff in Education Settings
- Safeguarding Children Policy
- Recruitment Policy
- Behaviour Policy
- The Use of Force to Control or Refrain Pupils, non-statutory guidance for schools in England from the DCSF.
- Guidance on the use of Physical Intervention in Education Establishments – August 2005.
- Health and Safety Executive under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR).

Reviewed by M Trappitt January 2010

Shared with staff January 2010

Shared with Governors February 2010

Review date January 2013

**INCIDENT RECORD: *USE OF PHYSICAL INTERVENTION TO CONTROL
OR RESTRAIN PUPILS***

Details of pupil/pupils on whom physical intervention was used by a member of staff (name, class).	
Date, time and location of incident.	
Names of staff involved (directly or as witnesses).	
Details of any other pupils involved (directly or as witnesses), including whether any of the pupils were vulnerable for SEN, disability, medical or social reasons.	
Description of incident by the staff involved, including any attempts to de-escalate and warnings that physical intervention might be used.	
Reason for using physical intervention and physical intervention used.	
Any injuries suffered by staff or pupils and any first aid and/or medical attention required.	
Reasons for making a report of the incident.	
Follow-up, including post-incident support and any disciplinary actions against pupils.	
Any information about the incident shared with staff not involved in it and external agencies.	
When and how those with parental responsibility were informed about the incident and any views they have expressed.	
Has any complaint been lodged (details should not be recorded here)?	
Report compiled by:	Report countersigned by:
Name and Role:	Name and Role:
Signature:	Signature:
Date:	Date: