

STANILAND ACADEMY

POLICY ON THE USE OF PHYSICAL INTERVENTION

Monitoring Responsibility	CEO
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Approval Body	Board of Directors
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Chair of Committee Signature	

Background

Staniland Academy considers the use of physical intervention as appropriate in the last resort and has a comprehensive Behaviour for Learning Policy designed to minimize the requirement for physical intervention. Included in the policy are a range of strategies to prevent inappropriate behaviour and to promote appropriate behaviour so that the learning environment is safe and relationships are good. However, there may be the rare incident where physical intervention is an appropriate strategy for staff to use.

Purpose

Good personal and professional relationships between staff and pupils are vital to ensure good order in our school. It is recognised that the majority of pupils in our schools respond positively to the discipline and control practised by staff. This ensures the wellbeing and safety of all pupils and staff in school. It is also acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of reasonable force may be required.

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 respond well to the school rules and conventions. Situations in which physical intervention may be needed are therefore likely to be relatively few in number.

All our staff need to be safe and confident in how they manage inappropriate behaviour. This policy seeks to ensure that staff at Staniland Academy clearly understand their responsibilities in taking appropriate measures where reasonable force is required. It is essential that staff are well-informed and appropriately trained to deal with these difficult situations and understand fully the rationale and implications of the guidance given in 'The Use of Physical Interventions Including Restrictive Physical Interventions' document.

Parents need to know that their child and those who are teaching her or him 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 other policies, especially those on Behaviour Management, Health and Safety and Child Protection.

Our Approach: 'Prevention is better than cure'

We always try to avoid using physical interventions and regard them as a last resort for a tiny minority of situations. As a Trust we provide a properly planned and differentiated curriculum that provides appropriate levels of challenge to all pupils, and maintain an effective school behaviour policy that is known and understood by all staff and pupils.

Restrictive physical intervention is then 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 a foreseeable risk that a pupil could behave in such a way as to require 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.

Legislation and Guidance

On 1st September 1998 a new provision came into force. It clarified the powers of teachers and other staff who have lawful control or charge of learners in the use of reasonable force. Circular 10/98 Provides examples of where reasonable force may be appropriate, e.g.: to prevent learners committing a crime, causing injury or damage, or causing disruption. The new provision did not permit corporal punishment in any shape or form or the use of physical contact to deliberately intend to punish a learner, or which is primarily intended to cause pain or injury or humiliation.

Concurrent with this, Section 93 of the Education and Inspection Act 2006, states that 'all members of school staff have a legal power to use reasonable force'. This power applies to any member of staff at the school. It can also apply to people whom each Head of Academy or the CEO has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying learners on a school organised visit.

Section 550A allows those persons authorised by the Head of Academy/CEO to have control or charge of such learners, to use such force as is reasonable in the following circumstances to prevent a learner from doing, or continuing to do:

- committing a criminal offence

- where action is necessary in self-defence or because there is an imminent risk of injuring themselves or others. For example, a pupil attacks a member of staff, or another pupil; or pupils are fighting.
- Where there is a developing risk of injury or significant damage to property. For example, a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property; or a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects
- engaging in any behaviour prejudicial to maintaining good order and discipline For example, a pupil persistently refuses to obey an order to leave a classroom or behaving in a way that is seriously disrupting a lesson; a pupil is running in a corridor or on a stairway in a way in which he or she might have or cause an accident likely to injure him or herself or others; a pupil absconds from a class or tries to leave school (N.B. this will only apply if a pupil could be at risk if not kept in the classroom or at school).

The provision only applies on academy premises or while on authorised out of academy activities, e.g. field trip, academy trip, etc.

'Reasonable force' has no legal definition. However, these considerations are relevant:

- a) Use of force is considered reasonable only if the circumstances of the particular incident warrant it.
 - b) Degree of force used must be in proportion to the circumstances of the incident and the seriousness of the behaviour, or the consequence it is intended to prevent.
 - c) All force should be the minimum required to achieve the desired result.
- d) The reasonable use of force and the degree of force that could reasonably be employed might also depend on the age, understanding and sex of the learner.

Principles:

1. Staff are reminded that all physical contact with learners should be avoided. Care should be taken when this is unavoidable, e.g. PE/Games lessons.
2. A senior member of staff should be called to assist in difficult situations, Ideally this would be a member of staff who has been 'Team Teach' trained.
3. Before all intervention several other strategies and actions should be taken in line with the flowchart below:



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

- Calmly re-stating the rules and expectations for the situation
- Removing other pupils from the situation and thus from danger of 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 the 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

At all times the member of staff should:

- Keep communication channels open with the learner
- Keep calm

Intervention by an authorised person should not be considered on their own in the following circumstances:

- when a learner is physically large
- more than one learner is involved
- the authorised person feels threatened by the situation
- the authorised person feels unable to cope with the situation
- the authorised person is at risk in the situation

4. The following list of permitted physical interventions is not exhaustive but provides some examples of situations where reasonable force can be used:

- physically interposing between learners;
- blocking a learner's path;
- holding;
- pushing;
- pulling;
- leading a learner by the hand or arm;
- shepherding a learner away by placing a hand in the centre of the back; or
- (in extreme circumstances) using more restrictive holds.

This policy also acknowledges its legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN) when using reasonable force. Particular care should also be taken with members of the opposite sex.

Non-permitted physical interventions will include:

- holding a learner around the neck, or by the collar, or in any way that might restrict a learner's ability to breathe;
- slapping, punching or kicking a learner;
- twisting or forcing limbs against the joint;
- tripping up a learner;
- holding or pulling a learner by the hair or ears;
- holding a learner face down on the ground;
- holding or touching a learner in a way that may be considered indecent.

Ultimately, the academy cannot use force as a punishment – it is always unlawful to use force as a punishment.

5. In accordance with Section 550ZB (5) of the Education Act 1996, the Head of Academy and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”:
 - Knives and weapons
 - Alcohol
 - Illegal drugs
 - Stolen items
 - Tobacco and cigarette papers
 - Fireworks
 - Pornographic images
 - Any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Force **cannot** be used to search for items banned under the academy rules (advice from ‘Use of Reasonable Force, July 2013’).

6. Only authorised persons may intervene and the first action should always be diffusion and physical intervention only used in the last resort. Those authorised under Section 550A of the 1996 Education Act covers only the Teaching Staff. All other academy staff are not normally authorised. However, should they not have time to summon a member of teaching staff, non-teaching staff should attempt to diffuse the situation in the best interests of the child and to prevent harm. The authorisation of the teaching staff is permanent unless this is withdrawn from individual members of staff. Persons from the non-teaching staff and others may be temporarily authorised for activities such as academy trips in which they are involved.
7. Medical support should be made available urgently, if appropriate following any restraint.
8. As soon as it is deemed to be safe, restraint should be gradually relaxed allowing the pupil the opportunity to regain self-control. The pupils should be talked to calmly to reassure them that they are safe.
9. A pupil must never be asked to restrain another pupil
10. Staff should remember that where restrictive physical intervention has been used they have a responsibility to explain their actions with regard to other strategies tried the decision to use restraint and the manner in which they restrained.
11. Where the academy is aware of a learner who may require physical control or restraint, this should be planned for and detailed written guidance be available to staff and shared with parents. Physical control or restraint should be in line with Team Teach guidance.

Recording & Reporting of Incidents

Where physical restraint has been used it must be verbally reported to the Headteacher or teacher-in-charge as soon as possible after the incident.

A written report must be completed as soon as possible and normally no later than the next working day setting out the circumstances and justification for the use physical restraint. Alongside the written record, a record of the intervention may be recorded on a diagram of a body to show where restraint was used. Staff may find it helpful to seek advice from a senior colleague or their professional association when compiling a report. The Trust exemplar reporting form is given in Appendix A.

The views of the pupil should be recorded on the same day. Where this is not possible they should be gained as soon as is possible

Witnesses should be asked to complete a written report or, where this is not possible, a verbal account recorded of the events leading up to, during and the closure of the intervention. In circumstances where there are a number of witnesses only those closest to the incident should be asked to complete a report.

The report should be logged in the appropriate incident file and should include the following:

- the name(s) of the pupil involved
- where and when the incident took place
- staff or pupils who witnessed the incident
- the reason why force was necessary
- how the incident began and progressed (including details of the pupil's behavior and steps taken to defuse or calm the situation)
- the pupil's responses
- the outcome(s) of the situation
- any injuries to pupil(s) or staff
- any damage to property
- support offered to staff member.

If a member of staff or a pupil has suffered an injury as a result of the intervention this should be recorded on the relevant Trust injury form with a copy being forwarded to HR.

The Head of Academy or teacher-in-charge should discuss the incident with the teacher as soon as is practicable.

Where staff have been distressed by the incident, counselling may be required.

Following the incident, the child may need to be counselled as to why restrictive physical intervention was necessary. The Head of Academy should decide on how to inform the parents/carers and offer them the opportunity for further discussion.

Where the need arises, arrangements should be in place for the pupil to have the opportunity discuss the incident with an adult other than a member of staff within the school.

Where, as a result of the incident, it is deemed that the teacher concerned requires further support the Head of Academy should make appropriate arrangements to ensure that it is provided as soon as is reasonable.

The Head of Academy should consider including the number of incidents involving restrictive physical intervention in the report to governors.

Training

All staff should have received training in behaviour management before any training on physical restraint is undertaken

Identified teachers and other authorised staff will be provided with regular training on knowledge, skills and values for the management of anger, restraint and post restraint action (Team Teach Training). Please note, not all staff members within the Trust will receive this, yet in the event of an incident, where ever possible, a member of trained staff should be called upon.

Where young people are identified as having challenging behaviour that may need physical restraint as a last resort, then staff involved should have adequate and appropriate training made available. In these instances, staff should only employ physical restraint which they have been trained to use. Such individuals should have a risk-assessment / individual behaviour / pastoral support plan.

Complaints

We hope that, by adopting this policy and keeping parents well informed, it should 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 Trust's 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.

References

Reference can be made to the following documents:

- DfEE Circular 10/98 – Section 550A of the Education Act 1996: The Use of Force to Control or Restrain Pupils (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
- Department of Health draft guidance on the use of physical interventions for staff working with children and adults with learning disability and/or autism (www.doh.gov.uk/Councilrningdisabilities/dgapp1.htm)

- British Institute of Learning Difficulties (BILD): Physical Interventions – A Policy Framework
- Department of Health and the DfES (July 2002): Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who Display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders (www.dfes.gov.uk/sen/news/viewArticle.cfm?aID=31)