

# ST Elizabeth's Catholic Primary School

## In conjunction with DERBYSHIRE LOCAL AUTHORITY

### Policy on Physical Intervention and DFE Guidance

#### Policy Statement

The Governing Body of **St Elizabeth's** 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 550A of the Education Act 1996 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 St Elizabeth's 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;
- 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.

The only circumstances in which physical intervention is permissible are to prevent a child or young person from doing, or continuing to do, any of the following:

- Committing a criminal offence;
- Injuring themselves or others;
- Causing damage to property;

- Engaging in any behaviour prejudicial to maintaining good order and discipline at the school whether that behaviour occurs in a classroom or elsewhere.

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 St Elizabeth’s 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 (*name of member of staff*) 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, 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"> <li>• guiding/shepherding a person from A to B</li> <li>• use of a protective helmet to prevent self-injury</li> <li>• removal of a cause of distress, such as adjusting temperature, light or background noise</li> </ul>
Restrictive physical interventions	Prevent, impede or restrict movement or mobility. Restraint. To use force to direct.	For example: <ul style="list-style-type: none"> <li>• isolating a child in a room</li> <li>• holding a pupil</li> <li>• blocking a person’s path</li> <li>• interpositioning</li> <li>• pushing/pulling</li> <li>• use of arm cuffs/splints to prevent self injury</li> </ul>

and between:

Emergency/unplanned	Use of force which occurs in response to unforeseen events.
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interventions	
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.

### **When May A Restrictive Physical Intervention Be Used**

Restrictive physical intervention is rarely used at St Elizabeth's. However, it will be necessary when its aim is to prevent a pupil injuring themselves or others, (for example, pupils playing in a dangerously rough manner) or to prevent them damaging property (for example, pupils throwing a heavy object at/near to expensive computer equipment). (Section 550A, DCSF Circular 10/98).

You may in light of previous examples in the attached guidance or your own schools example add in further examples here.

Section 550A also allows the use of force 'to prevent a pupil from engaging in any behaviour prejudicial to maintaining good order and discipline....'. However, the use of restrictive physical intervention for this purpose *is acceptable only in rare circumstances / is not acceptable* at St Elizabeth's.

*If physical intervention for this purpose is to be permitted, it is important that examples of the rare circumstances that would justify it are given here.*

### **Who May Use Restrictive Physical Interventions**

Only "Authorised staff" may use restrictive physical interventions within our 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.

*Authorised staff will normally include all Teachers, Teaching Assistants and any other non teaching staff employed by the Governing Body who, with the authority of the Headteacher, have lawful control or charge of children and young people at school. It may also include other staff or volunteers who work at the school on a regular, or irregular, basis if they are explicitly authorised by the Headteacher. Headteachers should explicitly authorise their members of staff and other people who work at the school and may be required to carry out physical intervention but are not employed by the school. The names/posts should be entered here.*

*Headteachers should also ensure that all staff working at the school are aware of and properly understand what the authorisation entails. This should be done in writing. The Headteacher should ensure that authorised members of staff receive information, instruction and training and*

*that an up-to-date list of authorised staff is kept and is known to other staff. A risk assessment for planned restrictive physical interventions may preclude staff from being authorised to carry out Restrictive Physical Interventions due to physical stature, medical issues or any other appropriate reason. The arrangements should be entered here.*

## **The Place of Physical Intervention In St Elizabeth's School**

As previously stated it is intended that unplanned physical interventions will only be used in rare and exceptional circumstances at St Elizabeths. Each time such an occurrence is required it will be carried out in accordance with the guidance in this policy and only in circumstances outlined in this policy.

Each time such an unplanned physical intervention is required the Headteacher will ensure that the event is reviewed to look at the risk of re-occurrence and what actions/strategies can be put in place to prevent any such situation in future.

If it is known that a child or young person is likely to behave in a way that may require physical intervention (planned physical intervention), it is sensible to plan how to respond if the situation arises. These situations may include prior knowledge before the child first attends the school or as a consequence of several incidents involving a particular child whilst attending the school.

It is also wise to plan for unexpected incidents by making staff aware of what they are reasonably expected to do to manage an incident through positive avoidance or physical intervention. This could include something as simple as calling for help and knowing who to summon.

That planning will take account of:

- Managing the child or young person through reactive strategies to diffuse conflict and the appropriate methods of physical intervention which should be used;
- Parental or carer involvement to ensure they are clear about what specific action the school might need to take;
- Briefing staff to ensure they know exactly what action they should be taking, which may identify a need for training or guidance;
- Ensuring that additional support can be summoned if appropriate;
- Medical advice about the safest way to physically restrain a child or young person with specific health needs;
- The potential need for a physical intervention plan which might include reference to situations when physical intervention would be appropriate, options for intervention, appropriate Authorised staff trained to deal with such situations, who might be called to assist, arrangements to record events;
- Any staff training requirements;
- Whether a specific Physical Intervention Plan needs to be included in a child's Behaviour Management Plan.

The Headteacher will provide all staff with a checklist of what to do (and what not to do) in situations where physical intervention may be required.

Pupils who have been subject to a physical intervention, whether planned or unplanned, will be given the opportunity to comment on the action taken and be involved in planning for future management of their behaviour. Thus planning should involve both parents/carers and pupils.

## **Methods of Restrictive Physical Intervention and Training**

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.

Any method of physical intervention employed must use the minimum force necessary for the minimum 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;
- 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 DCSF Circular 10/98 provides the following examples of actions which staff may use in situations which require physical intervention:

- Physically interposing between children or young people;
- Blocking a child’s or young person’s path;
- Holding a child or young person;
- Shepherding a child or young person away;
- Leading a child or young person by the hand or arm;

- Pushing or pulling a child or young person (only in extreme situations);
- Using restrictive holds (only in extreme situations);
- Practical support for the child or young person following physical intervention,
- Practical support for staff involved in the incident of physical intervention and those who may have witnessed it.

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

Offering time-out to the child or young person;

- 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.

### **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.

### **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. Staff in an emergency situation will therefore effectively carry out a dynamic risk assessment.

**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. Guidance on more formal risk assessment is given in the Policy and Guidance Section of the Local Authority's Health and Safety pages on the extranet.

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 of 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:

- 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.

### **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 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 should 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 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(children) 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.

### **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.

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 other actions such as changing timetables, reviewing class groups etc to reduce the risk of incidents and harm to other pupils and staff.

### **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.

### **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.

