

Elveden C of E Primary Academy



Physical Intervention Policy

Date Completed: February 2022

Reviewed: February 2024

This policy has been informed by the following documents and legislation:

- Behaviour and Discipline in Schools (Department for Education, 2016)
- Criminal Justice and Immigration Act 2008 Section 76
- Common Law
- Criminal Law Act 1967 Section 3(1)
- Education Act 2006
- Ensuring Good Behaviour in Schools (Department for Education, 2012)
- Guidance on the use of restraint and restrictive intervention in mainstream settings and alternative provision (Department for Education, 2019)
- Human Rights Act 1998 Article 2(1)
- Manual Handling operations regulations (4) 1992
- Reducing the Need for Restraint and Restrictive Practice (Community Care / Mental Health, Dementia and Disabilities / DDU / 11168 and Department for Education, 2019)
- Searching, Screening and Confiscation (Department for Education, 2014)
- Section 550A of the Education Act 1996
- Section 93 of The Education and Inspection Act 2006
- SENCO Code of Practice (Department for Education, 2015)
- The Use of Force to Control or Restrain Pupils (Department for Children, Schools and Families, 2010)
- Use of Reasonable Force in School (Department for Education, 2013)

School Ethos:

At Elveden, we recognise the basic need for human contact, to nurture their emotional and

spiritual wellbeing. Our children are invited to make physical contact as the basis for a positive relationship with our staff, such as a high five or a well-deserved pat on the back. We wish to serve as role models for our children so that they may apply what is gained from these interactions in other situations, recognising under what circumstances it is ok to make physical contact with someone else and when it is not.

Making Physical Contact

There are many instances in which physical contact is encouraged or indeed necessary, examples laid out in Department for Education guidelines include:

- holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
- comforting a distressed pupil;
- when a pupil is being congratulated or praised;
- administering first aid;
- teaching a musical instrument; and
- demonstrating a technique or exercise during PE lessons or sports coaching.

Supporting Behaviour:

To ensure that physical interventions are an absolute last resort, we will draw on a bank of de-escalatory techniques in the first instance, coupled with our knowledge of how best to support the individual. These may be (though not limited to):

- consistent enforcement of the school's behaviour, anti-bullying policy and exclusions policies;
- fair and consistent application of the school rules and values of hope, trust, respect and forgiveness;
- maintenance of a calm environment so that children feel safe and secure;
- supervision of children matched to their age, understanding and any special educational need;
- strong positive relationships fostered between staff and children in their care;
- where necessary, an individual will have a behaviour support plan, produced with staff, parents and the child, which will be reviewed frequently;
- opportunities to 'get out' of a distressing situation. For example, going on a 'special job', delivering a message or going to a designated safe space
- Adopting preventative practice through teaching recognition and positive handling of our feelings.

Where necessary, we will consult with external agencies, such as **Special Education Services**, to tailor de-escalation techniques to an individual. This will include supporting the production of a Behaviour Support Plan and its review and monitoring for success. Ultimately, a reduction in the need for de-escalation is our aim, delivered through a supportive and nurturing environment by knowledgeable staff.

Physical Intervention and the use of Reasonable Force

The law requires that force should be used only when every other approach has been tried and all practical methods to de-escalate the situation have been employed. When all attempts at de-escalation have proven unsuccessful, and there are no other options to keep children and staff safe, a member of staff may need to physically intervene. In instances where there is significant risk of harm to a child or member of staff, physical intervention and the use of reasonable force may be deemed necessary.

Reasonable Force will be **a last resort, necessary and proportionate to the harm it is intended**

to prevent, whilst taking in to account the age, size and understanding of the child.

There is no legal definition of reasonable force. The Criminal Law Act (1967) allows any person to use such force as is reasonable in the circumstances to prevent an offence (e.g. physical assault) being committed. Reasonable minimal force must be a matter of personal judgement.

It is permissible:

- a) in order to remove the danger of another person being assaulted
- b) when a person is willfully and dangerously damaging property.

Section 550A of the Education Act 1996 allows teachers, and other members of staff at a school who are authorized by the head teacher, to use such force as is reasonable in circumstances where the pupil may need to be prevented from engaging in behaviors which are likely to cause injury to themselves, others or damage to property. The Guidance extends this to maintaining good order and discipline, for both on-site and offsite activities.

The use of any degree of force or restraint is unlawful if the 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 potential consequences. Where a member of staff has clearly over-reacted and the use of force was unreasonable or excessive, he/she may be liable to disciplinary, civil or criminal proceedings.

Staff Knowledge and Training

It is the responsibility of the Headteacher to ensure that staff are fully informed of the school policy and understand what authorisation entails. It is the responsibility of the Headteacher to arrange training or guidance to staff, possibly through a senior member of staff. Head teachers should be aware that there are **no** government approved training techniques for physical restraint. Headteachers may wish to consult with the Local Education Authority if any particular course of training is to be embarked upon.

At Elveden, a number of designated teaching staff are Behaviour Safe trained, through Bellscroft Consultancy, in the use of physical interventions and use of reasonable force. The majority of TAs and MDSAs also have varying levels of Behaviour Safe training. At Elveden, only designated, trained staff are authorised to use any of the taught physical intervention methods. In general, de-escalation is our aim. Total Restraint, which involves immobilisation, is not used in school.

Those who have training and certification, have been taught the following low-level physical interventions by Bellscroft Consultancy:

- Upper arm guard
- Deflect
- Deflect and turn
- Indicating touch
- The Collect
- The Support Hold

A manual from Bellscroft has been provided for all trained staff and is available upon request from a Bellscroft consultant, who is based at Forest Academy. There is an up to date list in the staffroom of staff trained in physical intervention techniques detailed above.

All steps will be taken to ensure that a member of staff alone does not handle a physical intervention. The Senior Leadership Team will consider this through risk assessments and careful planning of our staffing. In the unavoidable instance that a teacher is alone with their class, they will use portable class phones to secure immediate help.

To ensure the protection of the wellbeing of the child and the class, staff using physical intervention will maintain a calm manner throughout, using positive phrasing and instructions for the individual. The class will be invited to discuss what has happened, so children fully understand how best to keep everyone safe.

Recording the use of Physical Interventions

In cases of physical interventions and the use of reasonable force, a written report (Incident Report) must be kept on the child's file and this will need to include:

- a) How the incident began and progressed including a description of the pupil's behaviour.
- b) What was said by each party.
- c) The steps taken to de-escalate the situation.
- d) The type of physical intervention used and with what degree of force, and for how long.
- e) The pupil's response and outcome of the incident.
- f) Injuries sustained by the pupil, another pupil, or a member of staff and any damage to property.

It is recommended that this report be written immediately after an incident occurring, and that the pupil is checked by a member of staff independent of the incident to ascertain if injuries have been sustained.

It is always advisable to inform parents of an incident involving their child, and give them the opportunity to discuss it. The Headteacher will need to consider whether to inform parents straight away or at the end of the school day, and whether this should be done in writing or orally.

Finally, staff are encouraged to reflect on what they could do differently next time, with the ultimate aim of reducing the need for physical interventions through meeting the needs of the child and supporting them in managing their own behaviour.

Complaints

The possibility that a parent (of a child with whom physical intervention was used) may lodge a complaint cannot be ruled out. This is less likely if the parents are party to the planning which has taken place and are informed about the necessary actions, in agreement and informed appropriately should an incident occur.

In circumstances where a complaint is lodged it would be for a disciplinary panel or the court to decide whether the use and degree of force was reasonable in all the circumstances. To meet such circumstances it is important that the school has procedures for managing complaints. It is expected that the member of staff involved would make time available to meet with the pupil and his/her parents/carers to discuss the incident. Such meetings should also be attended by the Headteacher or a senior member of staff. Notes should be made to record the conversation and uploaded to CPOMS. Assistance may also be sought from a governor, Education Welfare Officer or member of a voluntary

organisation to support pupils and parents/carers.

Evaluation

The effectiveness of this policy will be evaluated by all stakeholders as an ongoing process and discussed in staff meetings when appropriate.

Revision and updating will be carried out by SLT in discussion with all stakeholders annually.

Signed _____ Chair of Governors

Signed _____ Headteacher: Lorna Rourke