

Boundary Primary School



Physical Intervention Policy (safe use of physical control)

Linked to SEN Policy and Behaviour Policy

Review period: 2 Yearly
Date policy last reviewed: September 2021
Person Responsible for Policy: Head teacher

Introduction

This policy provides a framework for the use of Physical Intervention within Boundary Primary School and takes into account information provided in Section 93 of the Education and Inspections Act 2006 and DFE Guidance Use of Reasonable Force July 2013.

The school has trained staff in the Team Teach method; aims and guidelines central to this approach are incorporated within this policy.

Central to this policy is the understanding that any Physical Intervention used by staff must be in accord with the idea of “Reasonable Force” and used only as a last resort once all other strategies have been exhausted. Force will not and must not be used as a punishment.

There is no legal definition of reasonable force. The use of force can only be regarded as reasonable if the circumstances of the particular incident warrant it and the degree of force employed is proportionate to the level of challenging behaviour presented or the consequences it is intended to prevent. Staff must consider the least amount of force for the least amount of time using the least intrusive technique.

It is essential that any discussion of Physical Intervention is set in the wider context of education and behaviour management; it should not be seen as an isolated technique. For the majority of the time there will be no need for physical intervention and other methods can be used to de-escalate situations or prevent inappropriate behaviour.

The Legal Context

Section 93 of the Education and Inspections Act 2006 led to a Circular which sets out guidelines for the use of reasonable force.

When circumstances justify, staff can:

- Hold a pupil using agreed Team Teach techniques,
- Physically intervene between pupil, e.g. when children are fighting
- Move a pupil using agreed Team Teach techniques.

Decisions on whether circumstances justify the use of reasonable force must be made with the clearest possible judgements about:

- The seriousness of the incident, assessed by the effect of the injury, damage or serious disorder. The more severe, the more likely it is that using force may be justified;
- The chances of achieving the desired result by other means. The lower the probability of achieving the desired result by other means, the more likely it is that using force may be justified; and
- The relative risk associated with the physical intervention compared with using other strategies. The smaller the risks associated with physical intervention compared with other strategies, the more likely it is that using force may be justified.

Examples of situations.

- a pupil attacks a member of staff, or another pupil;
- pupils are fighting, causing risk of injury to themselves or others;
- a pupil is committing, or on the verge of committing, deliberate damage to property;
- a pupil is causing or is at risk of causing, injury or damage by rough play, or by misuse of dangerous materials or object;
- a pupil absconds from a class or tries to leave school other than at an authorised time. Refusal of a pupil to

remain in a particular place is not enough on its own to justify use of reasonable force. It would be justifiable where allowing a pupil to leave would;

- i) entail serious risks to the pupil's safety (taking into account age and understanding), to the safety of other pupils or staff, or of damage to property; or
- ii) lead to behaviour that prejudices good order and discipline, such as disrupting other classes;
- a pupil is behaving in a way that seriously disrupts a lesson; or a pupil is behaving in a way that seriously disrupts a school sporting event or a school visit.

Training on Physical Intervention given to ALL staff and will include sections on the background, theory and rationale behind the Team Teach approach as well as an understanding of personal space and body language before any physical intervention techniques are taught.

Placing Physical Intervention in Context / Risk Assessment

Physical Intervention is never seen in isolation at Boundary Primary School. It is but one strategy available to staff and should always be seen as a last resort when all other strategies have been exhausted.

Emergency Interventions will involve staff employing, where necessary, one or a combination of the strategies in response to an incident. This will occur when all other strategies have been exhausted or the incident requires a rapid physical response.

Boundary Primary School makes Risk Assessments where it is known that reasonable force is more likely to be necessary to restrain a particular pupil. These Risks Assessments are undertaken as part of the completion of the Positive Handling Plans, which is always part of an agreed Behaviour Management Plan. (Outlined below)

Planned Interventions and Positive Handling Plans

Planned interventions involve staff employing, where necessary, one or a combination of the strategies mentioned in the previous section as an agreed response to an identified behaviour. This will be documented in a Positive Handling Plan. The Positive Handling Plan will list the accepted strategies to be used. These strategies will include both de-escalation methods and Physical Intervention techniques. The plan will also detail any physical intervention, which should be avoided unless absolutely necessary depending on the risk it is intending to prevent.

Positive Handling Plans will not be needed for all pupils. Pupils may demonstrate certain behaviours which are causing concern and it is these behaviours which are targeted. Pupils may behave in a manner other than that identified on the Positive Handling Plan and in such circumstances Emergency Interventions would need to be undertaken.

Positive Handling Plans for all pupils are circulated to all Team Teach trained staff by e-mail and a hard copy.

Reducing the likelihood of situations arising where use of force may be required.

The 'Use of Reasonable Force' guidance states that ' Although preventative measures will not always work, there are a number of steps which schools can take to help reduce the likelihood of situations arising where the power to use reasonable force may need to be exercised'.

At Boundary Primary School the use of strategies designed to deal with situations in a non-physical manner are at the forefront of all pupil management. This can be evidenced by:

- the use of the school hierarchy
- the work undertaken as part of the Team Teach training and on-going re- training, which focuses on the 95% use of non-physical pupil management methods.
- The work undertaken by the Pastoral team
- The Behaviour Policy, which outlines the schools use of positive pupil management, interaction and de-escalation techniques.
- The quality of teaching and learning within the school's PSHE curriculum staff teach children how to

manage their feelings appropriately.

Reporting and Monitoring of Incidents

Reporting and monitoring is of paramount importance as a protection for staff and pupils and recording the number of incidents so times / areas that most incidents occur can be tracked.

When a physical intervention has taken place a record of the safe use of positive handling form will be completed detailing:

- Date and time of intervention,
- Name of child,
- Pupils class and year group,
- Place of intervention,
- Name of staff involved,
- Names of witnesses,
- Reasons for intervention,
- Description of lead up to intervention,
- De-escalation techniques used and their effectiveness,
- Details of the incident,
- Forms of physical intervention used,
- Details if pupil or member of staff was injured during intervention and medical treatment given,
- Two minute observation sheet and accident form (if required)
- Follow up action taken – a full team de-brief will happen and a post incident learning session with the child/children involved at a time that is suitable for them.
- Document is signed by the member of staff who carried out the physical intervention.

Incidents are all tracked and regularly monitored. All data collected is then fed back into the individual's Behaviour Management Plan and PHP in order to risk assess and reduce the risk of restraint being used in the future. Parents/carers are contacted on the day of the incident. Other agencies will be contacted when necessary, e.g. Social care, police, medical staff. This document is then passed to the Team Teach Tutor who gives it a log number and files it. The Head teacher examines the log on a half termly basis and reports to the full governing body three times a year. Governors are also given the opportunity to attend initial and refresher training as observers.

Training and Authorisation of Staff

The staff to which the power to use reasonable force are defined in Section 95 of the Education and Inspections act 2006. They are-

- a. any teacher who works at the school,
- b. any person whom the head has authorised to have control or charge of pupils

Only staff who have satisfactorily completed Team Teach training are authorised to use the taught Physical Intervention techniques. A list of staff who have completed this training is held with the school is the Team Teach Advanced Tutor/CPD Lead. Once staff have received their full training, refresher training will take place when required.

Complaints/Allegations against staff

All complaints about the use of force are thoroughly, speedily and appropriately investigated.

Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.

When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.

Suspension must not be an automatic response when a member of staff has been accused of using excessive force. School will refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.

School may consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.

Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.