

## MOUNT GRACE SCHOOL

<b>Proposed Policy</b>	<b>Use of Restrictive Physical Intervention</b>	<b>Responsibility for implementation</b>	<b>Headteacher</b>
<b>Date of Ratification</b>	<b>Summer Term 2011</b>	<b>Date of Review</b>	<b>Summer Term 2014</b>

In compiling this guidance the LEA's model policy CSF0178 2011 was used

**AIM:** To make staff aware of their duty of care, current legislation and LEA guidance on the use of Physical Restraint, thereby reducing the risk to students of inappropriate use of physical restraint and the risks to staff of allegations of inappropriate use of physical restraint.

- 1. Introduction: In Mount Grace School** we believe that pupils need to be safe, to know how to behave, and to know that the adults around them are able to manage them safely and confidently. Only for a very small minority of pupils will the use of physical intervention be needed. On such occasions, acceptable forms of intervention are used.

The majority of pupils behave well and conform to the expectations of our school. We have responsibility to operate an effective behaviour policy that encompasses preventative strategies for tackling inappropriate behaviour in relation to the whole school, each class, and individual pupils.

All school staff need to feel that they are able to manage inappropriate behaviour. They need to know what options are available for managing behaviour, and they need to be free of undue worries about the risks of legal action against them if they use appropriate physical intervention. Parents need to know that their children are safe with us, and they need to be properly informed if their child is the subject of a Restrictive Physical Intervention, including the nature of the intervention, and the rationale for its use.

### **2. The Teachers Duty of Care**

Teachers' terms and conditions of employment place on teachers the duty of: -

*Ensuring the maintenance of good order and discipline at all times during the school day (including the midday break) when pupils are present on the school premises and whenever pupils are engaged in authorised school activities, whether on the school premises or elsewhere.*

The exercise of effective control and the maintenance of good order is essential to teachers' performance of their duty of care.

2.1 Duty of Care for teachers is defined by Case Law. Teachers must not do something or fail to do something which they could **reasonably foresee** will cause loss or injury to a child. 'The standard of care required of a teacher is that a reasonably prudent parent judged not in the context of his own home but in that of a school, in other words a person exhibiting the responsible, mental qualities of a prudent parent in the circumstances of life.' In short, a teacher is required to behave towards the pupil in the manner of a reasonable and prudent adult.

2.2 A trained and experienced teacher must seek to protect a child from harm to the same extent that a natural loving parent would. The duty of care is owed to the individual child rather than to a fictional 'ordinary' or 'reasonable' child. There is therefore a duty upon the teacher to take some account of the susceptibilities of individual children which are known or ought to be known to the teacher, provided that this does not lead the teacher into disregard of the proper interests of others.

### 3. Who may use Restrictive Physical Intervention?

Those Authorised by the Headteacher at Mount Grace to use Restrictive Physical Intervention are : -

- All teaching staff
- All staff employed by the School (ie. On the school payroll)

We take the view that staff should not be expected to put themselves in danger and that removing other pupils and themselves from risky situations may be the right thing to do. We value staff efforts to rectify what can be very difficult situations and in which they exercise their duty of care for the pupils.

### 4. Definition of “RESTRICTIVE PHYSICAL INTERVENTION”

“Restrictive Physical Intervention” is the term used to describe interventions where bodily contact using force is used to control or manage a child’s behaviour. It refers to any instance in which a teacher or other adult authorised by the Headteacher has to use “reasonable force” to control or restrain pupils in circumstances that meet the following legally defined criteria.

- To prevent a child from committing a criminal offence (*this applies even if the child is below the age of criminal responsibility*)
- To prevent a child from injuring self or others
- To prevent or stop a child from causing serious damage to property (*including the child’s own property*)
- To stop the child from engaging in any behaviour which is prejudicial to maintain the good order and discipline at the school.

There is no legal definition of “reasonable force”. However, there are two relevant considerations:

- the use of force can be regarded as reasonable only if the circumstances of an incident warrant it; the use of any degree of force is unlawful if the particular circumstances do not warrant it. Therefore physical force could not be justified to prevent a student from committing a trivial misdemeanour, or in a situation that clearly could be resolved without it.
- the degree of force must be in proportion to the circumstances of the incident and the seriousness of the behaviour or consequences it is intended to prevent.

The definition of physical force also includes the use of mechanical devices (eg splints on the pupil prescribed by medical colleagues to prevent self-injury), forcible seclusion or use of locked doors. It is important for staff to note that, although no physical contact may be made in the latter situations, this is still regarded as a Restrictive Physical Intervention.

The proper use of physical restraint requires skills and judgement as well as knowledge of non-harmful methods of restraint. The onus is on the intervening adult to determine the degree of restraint appropriate and when it should be used

### 5. Acceptable forms of intervention

There are occasions when staff will have cause to have physical contact with pupils for a variety of reasons, for example:

- to comfort a pupil in distress (so long as this is appropriate to their age);
- to gently direct a pupil;
- for curricular reasons (for example in PE, Drama etc);
- in an emergency to avert danger to the pupil or pupils;
- in rare circumstances, when Restrictive Physical Intervention is warranted.

In all situations where physical contact between staff and pupils takes place, staff must consider the following:

- the pupil's age and level of understanding;
- the pupil's individual characteristics and history;
- the location where the contact takes place (it should not take place in private without others present).

'Touch' used inappropriately or insensitively can lead to serious complaints. Such complaints can be avoided / likelihood minimised if the above guidance, particularly the presence of another adult, is followed.

## **6. Unacceptable / illegal physical contact**

6.1 Physical contact is never made as a punishment, or to inflict pain.

- All forms of corporal punishment are prohibited.
- Physical contact will not be made with the participants neck, breasts, abdomen, genital area, other sensitive body parts, or to put pressure on joints. It must not interfere with a student's airway / breathing.
- It will not become a habit between a member of staff and a particular pupil. [Should a pupil appear to **enjoy** physical contact this must not be sought via Restrictive Physical Intervention.]

6.2 Potential Risk Situations

- Administering first aid alone
- Dealing with a distressed child alone/behind closed doors
- Where age/gender factors make contact inappropriate.

## **7. When is 'Physical Restraint' necessary?**

Restrictive Physical Interventions will only be used when all other strategies have failed, and therefore only as a last resort.

Staff will use the minimum force needed to restore safety and appropriate behaviour.

The principles relating to the intervention are as follows :-

- Restrictive Physical Intervention is an act of care and control, not punishment. It is never used to force compliance with staff instructions
- Restrictive Physical Intervention will only be used in circumstances when one or more of the legal criteria for its use are met (see point 4 and 7.1)
- staff will only use it when there are good grounds for believing that immediate action is necessary and that it is in the pupil's and/or other pupil's best interests for staff to intervene physically.
- staff will take steps in advance to avoid the need for Restrictive Physical Intervention through dialogue and diversion. The pupil will be warned, at their level of understanding, that Restrictive Physical Intervention will be used unless they cease the unacceptable behaviour
- only the minimum force necessary will be used
- staff will be able to show that the intervention used was a reasonable response incident
- effort will be made to secure the presence of other staff, and these staff may act as assistants and/or witnesses
- as soon as it is safe, the Restrictive Physical Intervention will be relaxed to allow the pupil to regain self-control
- a distinction will be maintained between the use of a one-off intervention which is appropriate to a particular circumstance, and the using of it repeatedly as a regular feature of school policy
- escalation will be avoided at all costs, especially if it would make the overall situation more destructive and unmanageable
- the age, understanding, and competence of the individual pupil will always be taken into account
- in developing Individual Education/Behaviour Plans, consideration will be given to approaches appropriate to each pupil's circumstance

- procedures are in place, through the pastoral system of the school, for supporting and debriefing pupils and staff after every incident of Restrictive Physical Intervention, as it is essential to safeguard the emotional well-being of all involved at these times.

The safety and well-being of all staff and pupils are important considerations. Under certain conditions this duty must be an over-riding factor. Staff should not be expected to put themselves in danger and sometimes removing other pupils and themselves from risky situations may be the right thing to do.

7.1 Restrictive physical intervention is allowable in extreme circumstances and as a last resort to avert immediate danger by: -

- preventing a student harming themselves
- preventing a student harming others
- preventing a student causing serious damage to property, where further harm to themselves or others is likely. Damage to e.g. paper, books (unless this is someone else's coursework) is not 'serious'. Damage to e.g. windows, is.

7.2 Even in these situations physical intervention is only appropriate

- when the risks of not intervening outweigh the risks of intervention
- when primary intervention, defusing techniques, verbal commands and instructions are ineffective
- when physical intervention can be effective
- when the member of staff is calm and physically fit
- when the member of staff is in no danger themselves
- ideally, when there is 'back up'.

7.3 Before intervention staff should: -

- try to calm / defuse the situation verbally
- send for back up of other adults to assist and witness.
- be comfortable that they are physically and mentally capable of effective minimum intervention.

NB. Adults are not expected to attempt to restrain a young person physically, if, by doing so, they put themselves at risk. The age and size of the young person is a significant factor.

The presence of a weapon calls for police back up and the removal of other students.

7.4 Other significant factors to consider are the: -

- location of the incident
- presence of spectacles, jewellery, hearing aid etc. and clothing of the young person.
- knowledge of the young person's likely reactions.

## **8. What type of Physical Restraint is Appropriate?**

8.1 There are no 'right' answers but many wrong ones. Where physical intervention is necessary it must be at the minimum level.

- a. the minimum level of intervention
- b. using minimum force/action used to prevent injury to persons and /or serious damage to property
- c. for the minimum amount of time needed to achieve this

8.2 Its purpose must be to restore calm as quickly as possible and must therefore be a calm and controlled act. If staff approach intervention with anger against any party they are not likely to be able to deal effectively, calmly and in a controlled and minimal way with the situation.

8.3 The 'minimum force' needs to be carefully applied. Head, neck, genital areas, joints etc. elbow and wrists are very vulnerable to injury. The long bones of the arms are more appropriate and less vulnerable to injury.

8.4 Staff need to ‘risk assess’ during a restraint and monitor the young person’s breathing, levels of stress and environmental factors. Staff need to assess when it is safe to begin to release a young person.

Teamwork and the presence of other adults reduces risks.

**9. Clear don’ts: -**

- hitting,
- deliberate infliction of pain or pressure on joints
- restriction on breathing
- contact with ‘sensitive areas’ ie. Genital area, buttocks, breasts
- weight/pressure on the head, neck, spine or abdomen
- behaviour to cause fear
- involve other students.

**Do’s**

- reduce the level of danger
- minimum restriction is essential
- be aware of the potential for accidental injury to the student and yourself
- work with a team involving colleagues
- talk to the students throughout repeating calmly what you want happen

**10. Serious Incident Procedure**

Following any incident of physical intervention, involving holding or restraint, staff need to log the incident in the “Serious Incident Book,” kept in Reception, noting in detail:-

- date and time
- those involved
- circumstances / events leading to incident
- efforts made to avoid using restraint
- grounds on which restraint was believed to be necessary
- precisely how and where the student(s) was/were handled
- duration of restraint
- subsequent behaviour / response of the student
- any apparent injuries to any party

10.1 The “SERIOUS INCIDENT BOOK” is an A4 bound book with numbered pages and will include the accounts of all staff involved. Where more than one staff member is involved the report of the second / third should follow the first.

- The advised structure of such a report is stuck in the inside and back covers.
- Once the report(s) is/are completed by staff members the log and incident investigation must be passed to a member of SLT to investigate.
- Statements from students involved/witnesses will be collected by SLT
- SLT will inform the parents of those students involved in the incident very promptly.

**11. Child Protection**

If there is any suggestion that the incident may be a Child Protection issue i.e.

- if action taken is outside the guidance of the framework
- if a concern exists about some aspect of the incident.

**The investigation should cease immediately and reasons for not taking the investigation forward shared with**

- **The school’s designated senior person for Child Protection**

- **The local manager of Social Services Children and Young Persons Team.**

## **12. Following up an Incident.**

12.1 An allegation of inappropriate physical restraint is traumatic and distressing for the teacher involved who will need support, reassurance and counselling and a period of calm following an incident must be provided.

12.2 The potential learning opportunities for all staff and systems within the school need to be explored through a debrief with Senior Staff soon after the incident. SLT then must consider strategies/responses to reduce the likelihood of similar incidents.

12.3 Students whose behaviour records show that physical intervention has been required should have a risk assessment and 'Positive Handling Plan' developed with the student, parents and Head of Learning to identify trigger factors and agree acceptable responses and methods of restraint should other defusing techniques fail. Appropriate training and support should be provided for the student to reduce the risk of physical intervention being required again.

## **12.4 Positive Handling Plan**

If a pupil is identified for whom it is felt that Restrictive Physical Intervention is likely, then a Positive Handling Plan will be completed. This Plan will help the pupil and staff to avoid difficult situations through understanding the factors that influence the behaviour and identifying the early warning signs that indicate foreseeable behaviours that may be developing. The plan will include :-

- involving parents/carers and pupils to ensure they are clear about what specific action the school may take, when and why
- a risk assessment to ensure staff and others act reasonably, consider the risks, and learn from what happens
- a **record** to be kept in school of risk reduction options that have been examined and discounted, as well as those used
- Techniques for managing the pupil's behaviour i.e. strategies to defuse a conflict, and stating at which point a Restrictive Physical Intervention may be used
- identifying key staff who know exactly what is expected. It is best that these staff are well known to the pupil
- ensuring a system to summon additional support
- identifying training needs

**Please refer to the Appendix for a Physical Handling Plan Pro-forma**

## **13. Staff Training**

Guidance and training is essential in this area at a number of levels including :-

- awareness of issues for governors, staff and parents,
- behaviour management techniques for all staff
- managing conflict in challenging situations - all staff

Training in practical techniques of physical intervention may be required for staff where there is a significant likelihood of them needing to intervene physically due to the nature of the pupil (or pupils) that they are working with. Where there is an identified need for such training, staff will be trained by an approved instructor. *(NB there is no legal requirement for staff to be trained in the use of practical techniques so staff may exercise their legal right to physically intervene even if they have not had such training. However, they would still need to demonstrate that their intervention was reasonable and proportionate).*

## 14. COMPLAINTS

It is intended that by adopting this policy and keeping parents and governors informed we can avoid the need for complaints. All disputes which arise about the use of force by a member of staff will be dealt with according to Child Protection and Safeguarding policies.

### SUMMARY

#### The Safe Use of Physical Restraint.

##### Key Points:

- physical restraint is a 'last resort' measure
- it may only be used to try and **maintain** safety
- it must **never** be used to enforce discipline
- physical restraint involves a **significant** level of risk
- be aware of your own **emotional state** and that of others
- work as a **team**, whenever possible.
- always think **minimum force** for the **minimum time**

##### DO

- try to reduce anger, defuse the situation
- avoid causing fear
- keep restriction to a minimum
- be aware of other dangers
- work with colleagues.
- **Report** promptly, accurately and fully
- **Support** colleagues in the hours and days afterwards

##### Don't

- hit under any circumstances
- deliberately cause pain
- restrict breathing
- touch 'sensitive' areas
- use full weight

The main risks of intervention to staff include:-

- suffering injury
- experiencing stress and emotional trauma
- legal justification for use of physical intervention being challenged in court
- disciplinary action if physical force is used inappropriately
- malicious allegations by students

The main risks of not intervening include:-

- being in breach of a duty of care
- young people being injured
- serious damage to property
- litigation over the above

*Staff can feel fully supported by SLT and Governors if any physical intervention / restraint used is in full compliance with this policy.*

**School:** .....

**Name of Child:** .....

**Class group:** .....

**Name of teacher:** .....

**Name of parents/Carers:** .....

**Name of Support Service Member/s:** .....

**Identification of Risk**

Describe the foreseeable risk (ie what specific behaviours have occurred)	
Is the risk potential or actual? (ie has this happened before)	
List who is affected by the risk	

**Assessment of Risk**

In which situations does the risk occur?	
How likely it is that the risk will arise? (ie how often has it happened before)	
If the risk arises, who is likely to be injured or hurt?	
What kinds of injuries or harm are likely to occur?	
How serious are the adverse outcomes?	

**Assessment completed by:** .....

**Signature:** ..... **Date:** .....

**Agreed Positive Handling Plan and School Risk Management Strategy**

Focus of Measures	Measures to be employed	Level of risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		

**Agreed by:**

**Date:**

.....  
(Parent/carer)

.....

.....  
(Child - if appropriate)

.....  
(Headteacher)

.....  
(Class teacher)

.....  
(Support Service Member/s)

.....

**Communication of Positive Handling Plan and School Risk Management Strategy**

Plans and strategies shared with:	Communication Method	Date Actioned

**Staff Training Issues**

Identified training needs	Training provided to meet needs	Date training completed

**Evaluation of Positive Handling Plan and School Risk Management Strategy**

Measures set out	Effectiveness in supporting the child	Impact on risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		

**ACTIONS FOR THE FUTURE**

**Plans and strategies evaluated by: Title:**

.....

**Date:**

.....

*[Adapted from DfES document]*

