
PHYSICAL INTERVENTION POLICY



RÆDWALD
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PHYSICAL INTERVENTION POLICY

Person responsible for this policy:	Angela Ransby
Policy author:	Angela Ransby
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CEO Signature:	Angela Ransby
Trust Board Signature:	Roger Fern

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1. Foreword

Our ultimate aim is to provide all our learners with a strong framework of good quality educational provision that will meet their individual needs. Alongside this we aim to provide opportunities to grow personally, emotionally and socially. We recognise that for some pupils the pathway by which these aims are achieved will be different from that provided for others. However, we maintain the same aims for all our pupils, whatever the routes by which we achieve them.

We work within a framework of equal opportunities, stability and security, so that our pupils, both on our premises and where we work with them within alternative and vocational settings, are encouraged and challenged to develop academically, emotionally, personally and socially in preparation for the next stage in their education.

We aim to ensure that our services reach out to the socially disadvantaged and those who experience discrimination. In all areas of our activity we aim to reflect diversity as an employer and as a service provider.

With this document, we demonstrate how we will ensure that, where pupils present the most challenging and potentially dangerous behaviour, we will treat them at all times with dignity, compassion and humanity, protecting their rights and maintaining privacy and protection from the possible criticism of others. We will act professionally to keep individuals and groups safe from harm. This will apply to adults and pupils alike. Our training and our inclinations lead us always to proceed, in any potentially hazardous situation, with the needs of the whole child at the heart of all our actions. We will therefore use the minimum intervention compatible with maintaining the safety of individuals and the good order of the school as a whole. Following any use of physical intervention we will conduct a review of events and seek to learn lessons in order, constantly, to improve our practice and our provision.

This policy should be read in close association with the Behaviour Management and Discipline Policy.

2. Introduction

Schools have a duty to promote good behaviour and discipline. The purpose of this policy is to help staff understand and implement new expectations regarding school discipline and to support the leadership of the school, to comply with legal requirements that are now placed on them and to exercise those powers within the legal framework.

For some pupils with the most significant needs it must be recognised that their challenging behaviour is an aspect of their developmental profile. Interventions to manage their behaviour must reflect their overall needs, should be matched to their particular circumstances and also be in the interests of the school as a whole.

It is essential that staff act appropriately in order to minimise the risk of accusation of improper conduct towards a young person.

Legislation that came into force on 1 September 1998 (Section 550a of the Education Act 1996), together with national guidance (DCSF Circular 10/98) established the responsibility of teachers and other authorised staff who have lawful control or charge of pupils with regard to the application of reasonable force in order to prevent children committing an offence, causing injury or damage, or engaging in behaviour prejudicial to the maintenance of good order and discipline. Further guidance was issued and the above updated by the DfE in 2013.

Under the Race Relations (Amendment) Act 2000, schools have a general duty to promote race equality. This policy was constructed in order to be compatible with this duty and staff will act at all times to ensure that they do not discriminate on the grounds of race, just as they will not discriminate in any other way.

Physical Intervention or Restraint is only to be used as a last resort. The Education Act 1997 clarified the position about the use of restraint by authorised school staff when managing the behaviour of the most challenging pupils in our schools and the latest guidance (January 2012) clarifies these duties further. However, the greatest caution needs to be exercised when deciding to use restraint that may exacerbate an already volatile situation.

Many of our pupils use health and social care services inside and outside the school setting, and many will continue to use these services when they leave education and become adults. Consistency in approach is therefore necessary, both to provide the most effective support to young people and to reduce the possibility of confusion. Our policy is therefore based on a common set of principles that underpin practice in other agencies.

3. Aims

The Raedwald Academy Trust Board has a duty to ensure the health, safety and wellbeing of everyone in the academy. Physical intervention is deployed when all aspects of the Behaviour and Discipline Policy have been exhausted. Section 93 of the Education and Inspection Act 2006 established the

responsibility of teachers and other authorised staff who have lawful control and charge of pupils with regard to the application of reasonable force in order to prevent:

Children committing an offence;

Causing personal injury;

Damage to property; and/or

Engaging in behaviour prejudicial to the maintenance of good order and discipline.

4. The Scope of the Policy

This policy aims to support staff by providing guidance for use in situations where pupils may need to be prevented from harming themselves or others, or from causing damage to property, by the use of physical intervention.

The use of physical intervention must always be set in the context of the overall behaviour management and discipline framework.

Physical intervention is an action of last resort and is not a substitute for behaviour management strategies. The emphasis of such strategies should be on managing incidents and behaviour through non-physical, non-threatening aggression-free strategies. Physical intervention should only be considered in order to control situations involving imminent danger to pupils or to others.

Where de-escalation of a situation has not been possible and restraint is deemed necessary the minimum level of physical intervention should be used, for the minimum of time, ensuring the least restrictive intervention necessary to make the situation safer.

The scale and nature of any physical intervention must be proportionate, appropriate and necessary to both the behaviour and the individual to be controlled, and to the nature of the harm they might cause. These judgments have to be made at the time, taking due account of all the circumstances, including any known history of other events involving the individual to be controlled. The minimum necessary force should be used and the techniques deployed should be those in which the staff members involved have been trained and with which they are familiar and able to use safely.

5. Minimising the Need to Use Force

Although preventative measures will not always work, staff should always work together to reduce the likelihood of situations where the need to use physical intervention is required.

These steps may include:

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- Creating a calm orderly supportive environment;
 - Avoiding situations likely to cause challenging behaviour;
 - Developing effective relationships between pupils and staff;
 - Adopting a personalised learning approach to develop social and emotional skills, meeting the needs of individual pupils;
 - Recognising that challenging behaviours are often foreseeable, e.g. anticipate objects which may be thrown or used as weapon and remove;
 - Implementing risk assessment based on the pupil's individual needs;
 - Using observations to establish if there are triggers for inappropriate behaviour;
 - Having realistic expectations;
 - Removing any threat of failure for the pupil;
 - Managing individual incidents effectively;
 - Wherever practicable, warning a learner that physical intervention may be used before using it; and/or
 - Employing a structured approach to staff development that supports staff in developing the skills of positive behaviour management, managing conflict and supporting each other during and after an incident.

Strategies may include:

- Deploying de-escalation techniques, e.g. deflection, broken record;
- Communicating calmly with the pupil;
- Using non-threatening verbal and body language;
- Ensuring the pupil can see a way out of the situation;
- Using distraction;
- Employing withdrawal techniques, e.g. going to quiet area, removing pupil from bystanders or removal of bystanders from the pupil;
- Giving clear directions / show what behaviour is expected;
- Giving early warning of change;
- Establishing a signal or visual sign to act as gentle prompt or reminder; and/or
- Support from a member of staff well known to the pupil.

6. Deciding the Need to use Physical Intervention

There is no legal definition of when to use physical intervention. Decisions on whether the precise circumstances of an incident justify the use of physical intervention will always depend on the individual case. Any physical intervention must be necessary, proportionate and deemed reasonable

at the time. Such decisions have to be made quickly with staff giving consideration to the following in making the judgment:

The seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if physical intervention is not used. The greater the potential for injury, damage or serious disorder, the more likely that using force may be justified;

The likelihood of achieving the desired result by other means. The lower the probability of achieving the desired result by other means, the more likely that using force may be justified; and/or

The relative risks associated with physical intervention compared with 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.

Section 393 of the Education and Inspection Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do, any of the following:

Committing any offence;

Causing personal injury to the property of any person (including the person him/herself); or

Prejudicing the maintenance of good order and discipline at school or among any pupils receiving education at school, whether during a teaching session or otherwise.

Examples of situations that call for such judgments include:

- A pupil attacks a member of staff, or another pupil;
- Pupils are fighting, causing risk of injury to themselves or others;
- A pupil committing, or on the verge of committing, deliberate damage to property;
- 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; and/or

7. Definition of 'Reasonable Force'

There is no legal definition of 'reasonable force', so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.

There are two relevant considerations:

The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it; therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanour or in a situation that clearly could be resolved without force;

The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.

“Whether it is reasonable to use force, and the degree of force that could reasonably be employed, will also depend on the age, understanding and sex of the pupil.” (*DCSF Circular 10/98*)

The Race Relations Amendment Act (2000) dictates that issues of race, culture and faith also need to be taken into account. Therefore, any restrictive physical interventions should be used in a way that is sensitive to, and respects the cultural expectations of young people and their parents/carers and their attitude towards physical contact. As an example, it would be inappropriate for a male member of staff to restrain a Muslim girl.

Within the scope of our definitions of reasonable force we judge that:

- Female pupils must normally only be restrained when at least one female member of staff is involved in the restraint;
- When a female pupil is restrained and one of the staff carrying out the restraint is a male, then the restraint should be supervised by the Headteacher or a senior staff member;
- In the unlikely event of a female pupil being restrained by two male staff members, this should be for the minimum time possible compatible with safety, the males should be replaced by females as soon as it is safe to do so and the restraint should be supervised throughout by the Headteacher or a senior staff member.

Any restrictive physical intervention should avoid contact that might be misinterpreted as sexual.

This policy has been written in the context of the Human Rights Act (1998) and the United Nations Convention on the Rights of the Child (ratified 1991). It is based on the presumption that every young person and adult is entitled to:

- Respect for his/her private life;
- The right not to be subjected to inhuman or degrading treatment;
- The right to liberty and security; and
- The right not to be discriminated against in his/her enjoyment of those rights.

8. Positional Asphyxiation

Positional asphyxiation occurs when compression of the trunk limits chest movements preventing the diaphragm moving up and down between the chest and abdomen impairing breathing.

Physical Intervention Techniques NOT to be used

The following Physical Intervention techniques must not be used:

- Neck restraints/holds
- Single/Double basket holds (sometimes referred to as ‘wraps’)
- Seated double embrace
- Nose distraction technique
- Prone restraint
- Any technique that that interferes with diaphragmatic movement and lung function.

Actions required to Lower the Risk of Injury during Physical Intervention

- Ensure sufficient numbers of staff are available to deal with difficult situations
- Do not use neck locks
- Do not restrain on your own, unless absolutely necessary.
- Do not place students in the prone position.
- If restraint goes to the floor then either disengage or move the subject onto their side, or into a seated position as soon as possible.

9. Staff Authorised to Use Force

The staff members to which this power applies is defined in Section 95 of the Education and Inspection Act (2006). They are any member of staff who has lawful control or charge of pupils. This includes:

Teachers, support staff whose job normally includes supervising young people such as learning assistants, learning mentors, vocational or sports coordinators and lunchtime supervisors.

The power may be used where the pupil (including a pupil from another school/setting) is on the premises or elsewhere in lawful control or charge of the staff member (for example on a school visit or in an off-site provision).

Where there is a high or immediate risk of immediate injury any member of staff would be justified in taking necessary action (consistent with the principles of seeking to use reasonable force) in line with the common law rights of citizens.

It is the responsibility of the Academy Trust Board to:

- Ensure that all staff employed within the Academy are familiar with and adhere to this policy;
- Ensure that all staff employed at the Raedwald Academy receive training in the safe use of physical intervention from a recognised trainer;
- Ensure that copies of the physical intervention Policy is made available to parents/carers on request.

In the event of an incident ‘doing nothing is not an option’. Action may include observing the situation and assessing the appropriate action, seeking help, offering support assistance, removing other young people at risk of physical or mental injury, and/or deploying a physical intervention.

All staff members have a ‘duty of care’ to themselves, pupils and colleagues. Through staff members not taking positive action pupils and members of staff could be placed at risk.

It is the responsibility of all members of staff to attend training and regular updates, adhere to legal guidance and school policy and report and record all incidents on the agreed proformas.

In addition, as part of staff responsibility towards the school’s duty of care, individual members of staff have a duty to report to the Headteacher/Campus Manager factors that may inhibit responses to serious breaches of discipline or serious damage to property creating a hazardous environment.

10. Staff Training

All staff will be offered theory training in de-escalation, legal rights and responsibilities and the use of physical intervention from a recognised trainer authorised. Physical de-escalation techniques should be re-accredited bi-annually to maintain competency. A relevant member of staff will be identified to lead practice sessions and arrange updates in as required.

New members of staff, as part of their induction, will be offered relevant training as soon as practicably possible. Those staff will not be allowed to restrain pupils until qualified to do so.

11. Responsibilities

Academy Trust Board members are responsible for:

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- Ensuring that all those working at the Raedwald Academy Trust are familiar with and follow this policy;
 - Ensuring that all staff working at the Raedwald Academy Trust receive appropriate physical intervention training and that their training is regularly updated;
 - Making a copy of the policy available to parents/carers on request
 - Annually reviewing the policy, its application and effectiveness; and
 - Ensuring that risk assessments are regularly reviewed and updated.

The Headteacher will:

- Ensure the policy is applied;
- Maintain an up to date list of those members of staff whom he/she selects as authorised to use reasonable force and ensure that staff know who they are;
- Ensure those authorised staff are appropriately trained and regularly up-dated;
- Ensure that all new staff receive guidance on the use of physical intervention as part of their induction programme and that they are provided with a an appropriate training programme at the earliest opportunity thereafter;
- Provide guidance for staff dealing with difficult and dangerous behaviour;
- Oversee reporting and recording systems;
- Monitor and review incidents; and
- Ensure that arrangements are in place for reviewing the policy annually.

All teachers and support assistants are authorised to use physical intervention to restrain pupils. Other academy staff can also be authorised by the Headteacher/Deputy to undertake physical intervention.

In some circumstances staff members will have received training but will not be given the Headteacher's authorisation to use reasonable force to control or restrain pupils. Examples of such staff might include office staff, premises staff or temporary staff.

The Headteacher maintains a register of all authorised staff members who have been appropriately trained and who are therefore empowered to use reasonable force and physical intervention in accordance with this policy.

It is the duty of everyone to consider their own safety and that of others at all times.

In the event of circumstances arising that might result in an incident, staff should:

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- Begin early de-escalation using preventative, non-confrontational methods;
 - Consider all options available to them, including withdrawal of themselves or others;
 - Seek support where possible;
 - If authorised, consider the use of reasonable force to make the situation safe; and
 - Report, record and review.

Should an incident occur, an authorised member of staff will;

- Employ preventative, non-confrontational strategies; and
- As a last resort, use a form of physical intervention employing a recognised and agreed physical intervention technique.

12. Risk Management

Risk management is a proactive approach to minimising difficult and dangerous behaviour and is set against the background of policies and procedures. It includes general risk assessment of the environment and individual risk assessment of learner support needs.

A risk assessment process should commence prior to admission and be part of the referral process to determine:

- Appropriateness of placement;
- Level of support to promote successful inclusion; and
- Level of support to maintain the safety of all members of the academy setting.

Risk management strategies, including the use of physical intervention, must prohibit (See Physical Intervention Techniques NOT to be used on page 7 of this policy).

Any intervention which impedes the process of breathing;

Entails the deliberate use of pain for control purposes;

Involves contact with vulnerable parts of the body e.g. neck and sexual areas;

Hypertension, hyper flexion and pressure on or across joints; or

Any other potentially dangerous position.

Among the main risks to young people are that physical intervention could:

- Be used unnecessarily, that is when other less intrusive methods could have achieved the desired outcome;
- Cause injury;

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- Cause pain, distress or psychological trauma;
 - Become routine, rather than an exceptional method of management;
 - Increase the risk of abuse;
 - Undermine the dignity of staff or pupils or otherwise degrade or humiliate those involved; or
 - Create distrust and undermine personal relationships.

The main risks to staff include the following:

- As a result of applying physical intervention they may suffer injury;
- They may experience distress or psychological trauma;
- The legal justification for the use of physical intervention is challenged in the courts; and/or
- Disciplinary action.

The main risks of not intervening include:

- Staff may be in breach of their duty of care;
- Young people, staff or other persons may be injured or abused;
- Serious damage to property will occur; and/or
- The possibility of litigation in respect of these matters.

The Headteacher or Deputy will always discuss with parents/carers prior to a pupils entering the academy setting:

- The general principles of risk management in respect of challenging behaviour;
- The possibility of the use of physical intervention;
- The training received by staff;
- The specific needs of the individual young person in question;

The leadership team will assess the frequency and severity of incidents requiring the use of force that are likely to occur in their setting. Analysis of data relating to physical intervention/restraint incidents will help inform decisions regarding staff training, supporting learners and future practice.

13. Prevention

The use of physical intervention will be minimised by the adoption of primary and secondary preventative strategies taught to all staff through relevant training. Primary prevention is achieved by:

- Ensuring adequate trained staff are deployed and that their level of competence corresponds to the needs of the young people with whom we work and the likelihood that physical interventions will be needed. Staff will not knowingly be left in vulnerable situations;

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- Helping young people to avoid situations which are known to provoke violent or aggressive behaviour, including providing adequate opportunities for individual work and activity;
 - Individual risk assessments and behaviour support or individual behaviour plans which are responsive to individual needs and include current information on assessed needs;
 - Creating opportunities for young people to engage in meaningful activities which include opportunities for choice and a sense of achievement;
 - Developing staff expertise in working with young people who present challenging behaviours; and
 - Talking to young people, their families and advocates about the way in which they prefer to be managed when they pose a significant risk to themselves and others. Some students prefer withdrawal to a quiet area to an intervention that includes bodily contact.

Secondary prevention involves recognising, in the early stages of a behavioural sequence that it is likely to develop into violence or aggression and employing defusing techniques to avert any further escalation.

Where there is clear evidence that particular sequences of behaviour rapidly escalate into violence, the use of physical intervention at an early stage may, potentially, be justified if it is clear that:

- Primary prevention has not been effective, and
- The risks associated with not using physical intervention are greater than the risks of using physical intervention; and
- Other appropriate methods, which do not involve physical intervention, have been tried without success.

All prevention strategies should be carefully selected and reviewed to ensure they do not constrain opportunities or have an adverse effect on the welfare or the quality of life of young people (including those in close proximity to the incident). In some cases it will be necessary to make a judgment about the relative risks and potential benefits arising from activities which might provoke challenging behaviours compared with the impact on the person's overall quality of life if such activities are proscribed. This will require a detailed risk assessment.

14. Emergency Use of Physical Intervention

Emergency use of physical intervention and physical intervention may be required when learners behave in ways that have not been foreseen by a risk assessment or prevented by defusing techniques. Research evidence (Hill, J. and Sprent, S. (1987) demonstrates that injuries are more likely to occur when physical intervention is used to manage unforeseen events. For this reason, great care will be taken to avoid situations where the unplanned use of restraints might be needed.

Effective risk assessment procedures together with well-planned preventative strategies will help to keep the emergency use of physical intervention to an absolute minimum. Staff should be aware that, in an emergency, the use of force can be justified if it is reasonable to use it to prevent injury or serious damage to property and to prevent pupils engaging in behaviour prejudicial to the maintenance of good order and discipline.

Even in an emergency the use of force must be reasonable. It should be commensurate with the desired outcome and the specific circumstances in terms of intensity and duration. In using a restrictive physical intervention in an emergency, the member of staff concerned should be confident that the possible adverse outcomes will be less severe than those which might have occurred without the use of physical intervention.

15. Reporting and Recording

A detailed written report will always be made in respect of any incidents where physical intervention is used by the member of staff concerned.

An Incident Report Form must be completed as soon as is reasonably practicable in respect of any incident and brought to the attention of the Headteacher or in their absence their Deputy.

The Headteacher or a designated senior member of staff will ensure that parents/carers are informed, as soon as is reasonably practicable, of an incident where physical intervention has been used.

Where a complaint about the use of restraint is made by a young person or parent/carer, this will be reported to the Executive Headteacher and appropriate action is completed.

The purpose of recording is to ensure policy guidelines are followed, to inform parents/carers, to inform future practice and to provide a record for future enquiry.

16. Post-Incident Support for Staff and Pupils

Serious incidents that require physical intervention can be upsetting to all concerned and may result in injuries to pupils or to staff. Immediate action should be taken to provide First Aid and to access medical assistance for injuries that go beyond First Aid.

The Raedwald Academy Trust has ensured arrangements are in place to provide emotional support for staff following situations where they have been actively involved in the physical intervention of a pupil

or have been involved in an incident which has been successfully de-escalated but the staff member concerned has requested or been offered time to recover. Appropriate support will also be offered to pupils. The support is likely to be in respect of:

- Physical consequences;
- Support in dealing with any emotional stress or loss of confidence; or
- Opportunity to analyse and/or reflect on strategies to prevent such crisis points in the future.

In the case of support of pupils, staff will consider where multi-agency partners may need to be involved.

De-briefing sessions are always to be held with both the staff and pupil(s) involved in any incident and outcomes are reviewed to inform future practice in order to minimise the risk of similar occurrences. For pupils this could include the rewriting of any risk assessment, the re-formulating of IBPs and the re-setting of targets. For staff this could include the offer of additional support from Senior Staff, the re-allocation of duties for a defined period, referral for counseling or medical advice or support and/or the possibility of additional training.

Daily debriefing sessions and staff meetings offer support and supervision to staff, provide opportunities for events to be shared with colleagues where this is appropriate.

Pupils will normally be required to discuss events with the Headteacher or Deputy upon return to school if an exclusion has been given. A record will be made of their discussion. The discussion will cover the events, the lessons to be learnt from them and the way in which consequences will be applied. The pupil will be supported to apologise or to make restitution as appropriate. His/her parents may be invited to some or all of this meeting.

17. Complaints and Allegations

The Raedwald Trust Academy is committed to involving parents/carers when an incident occurs with their child. We have a clear policy about physical contact with pupils that staff members adhere to. This should help to avoid complaints from parents/carers, but this approach will not prevent all complaints. If there is a dispute about the use of physical intervention by a member of staff it might lead to an allegation made to the academy, to other agencies or to the police. These will be dealt with in accordance with agreed policies and procedures for handling allegations against staff.

The possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action brought by a parent or student, cannot be ruled out. In those circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable and

proportionate in all circumstances. It would also be likely to take account of the school's policy on physical intervention, whether that had been followed, and the need to prevent injury, damage, or disruption, in considering all the circumstances of the case.

Related Policies

- Safeguarding Policy;
- Behaviour and Discipline Policy;
- Complaints Policy;
- Whistle Blowing Policy; and
- Health and Safety Policy.

Related Procedures

- Pastoral Support Programmes;
- General Complaints Procedure for Parents and Others;
- Risk Management;
- Harassment and Anti-Bullying Procedures; and
- Debriefing Procedures.

Legislative framework underpinning the use of physical intervention

- Education Act 1996;
- Criminal Law Act 1966;
- Crime and Disorder Act 1998;
- Human Rights Act;
- Health and Safety Legislation;
- Race Relations (Amendment) Act 2000;
- Reducing the need to use Physical Intervention and Restraint practices (currently draft – DfE).