



PHYSICAL INTERVENTION

This policy has a clear focus. Our paramount consideration is to:

- Safeguard the welfare of the child
- Safeguard the welfare of staff and others working in the school who act in good faith

We take seriously our duty of care towards pupils, employees and visitors. Touch is a sensitive issue requiring careful judgement. In order to safeguard both children and staff, Frank Wise School aims to provide clear guidance and appropriate training within the resources that can reasonably be made available.

The Children Act 1989, updated 2004, places a duty upon staff to consider the welfare of the child first, and for the welfare of the child to take precedence when practical over every other consideration. All physical interventions, including restraint, are conducted within a framework of positive behaviour management. The behaviour policy is intended to reward effort and application, encouraging pupils to take responsibility for improving their own behaviour so that children at Frank Wise School:

- Are treated fairly and with courtesy and respect
- Can lead an independent life and are enabled to do so
- Are helped to make choices and involved in decisions which affect their lives, consistent with their interests, culture and wellbeing
- Are entitled to the protection of the law
- Must have their rights upheld regardless of their ethnic origin, gender, sexuality, impairment, disability or age
- Are encouraged to develop a proper awareness of their rights and responsibilities, and to respect the rights of others

All staff and employees of Frank Wise School should be aware of preventative approaches to risk reduction involving identifying and communicating early warning signs, situations, settings and other factors which may influence behaviour, then taking steps to divert behaviours which lead towards foreseeable risk. Pupils are encouraged to participate in the development of their own Individual Management Plans by focusing on positive alternatives and choices. Parents and carers are also encouraged to contribute.

At Frank Wise School we recognise that pupils may at times present a risk to themselves and others. However, any physical intervention should be consistent with the legal obligations and responsibilities of school staff, and with the rights and protection given to children under the law, including the Human Rights Act (1998). As a staff our first duty is to ensure that the children and young people in our care are safe. Our aim, in all our work, is to provide an environment in which pupils feel happy and secure, and in which they are able to develop and learn – physically, socially,

emotionally and intellectually. The justification for any kind of intervention, therefore, is that it is beneficial to the pupil(s) concerned.

DEFINITIONS OF PHYSICAL INTERVENTION

Physical Intervention refers to a range of physical actions used as techniques for responding to challenging behaviour and involving some degree of direct physical force to limit or restrict movement or mobility, which can include removal of an aid to mobility, normally used by that person.

There are three main types of physical intervention:

- Direct physical contact between a member of a staff and a pupil. Examples include holding a pupil by the arm to stop self-harm, using manual guidance to stop a pupil wandering into the road, or two people each holding a pupil and guiding him or her to a seat, if agitated.
- The use of barriers to limit freedom of movement, for example placing door catches beyond the reach of pupils where they are not being used as safety devices i.e. high handles in a classroom rather than to restrict access to the pool.
- Materials or equipment which restrict or prevent movement. Examples include using a splint to limit the movement of an arm or leg to stop a pupil self harming or injurious behaviours.

Physical intervention implies restriction of a person's movement maintained against resistance. It is, therefore, qualitatively different from forms of physical contact such as manual prompting, physical guidance or simply support. Over time, the term 'restraint' has acquired a number of negative connotations. It is also a term that is closely linked with a particular kind of approach to the management of aggressive and violent behaviour - 'Control and Restraint', or 'C and R'. For this reason, this document uses the more neutral term 'physical intervention', to indicate a continuum between touching, holding and restraint, and the link with other approaches of de-escalation to be used in conjunction with physical interventions at all times. At Frank Wise School we understand the following terms to mean:

Positive handling - describes the full range of Team-Teach strategies used to de-escalate, defuse and divert in order to prevent violence and reduce the risk of injury to staff and clients (physical and non-physical).

Restraint or Restrictive Physical Intervention - the positive application of force by staff, in order to overcome rigorous resistance; completely directing, deciding and controlling a pupil's free movement. The purpose of its application should be to safeguard the pupil, other people or prevent significant damage to property.

Seclusion - Forcing a pupil to spend time alone against their will (requires statutory powers other than in an emergency).

Time out - Restricting positive reinforcement as part of a planned behavioural programme (requires written agreed plan).

Withdrawal - Removed from the situation but observed and supported until they are ready to resume.

Escorts / Guides - a term used to describe moving a pupil from A-B. This may be to support a pupil with limited mobility who desires to move or to move a pupil against their will.

Chemical Restraint - The use of drugs and prescriptions to alter behaviour.

Mechanical Restraint - The planned use of belts, handcuffs, splints etc which restrict a pupil's movement for behavioural reasons.

Mechanical Support - The use of belts, wheelchairs, gaiters etc which restrict a pupil's movement in order to improve their physical position for medical reasons.

Physical Intervention - Any method whereby an adult enters a pupil's personal space for a physical purpose.

Manual / Physical Prompt - physical guidance to complete a targeted response for a limited period of time in order to communicate, experience and learn new skills and responses.

Manual Handling - any transporting or supporting of a load (including the lifting, putting down, pushing, pulling, carrying or moving thereof) by hand or by bodily force.

Bodily Contact - other non-restrictive physical contact: hand shakes, hugs, high fives, to administer medicine, maintain personal hygiene etc.

The need for Physical Restraint, areas of responsibility and individual accountability are covered in the **Guidance** section of this policy. Training and support will be offered to all staff involved in any aspect of Physical Restraint.

LEGAL FRAMEWORK

Reasonable force

Section 93 of the Education and Inspections 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 (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- Causing personal injury to, or damage to the property of, any person (including the pupil themselves); or
- Prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.

There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, 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. The degree of force and the duration of its application should always be the minimum needed as the use of any degree of force is unlawful if the particular circumstances do not warrant such use. 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. Justification also includes the right of every citizen to 'self defence', which applies for all situations for all staff and pupils.

For example, it is an offence to lock an adult or child in a room without a court order (even if they are not aware that they are locked in) except in an emergency when the use of a locked room as a temporary measure while seeking assistance may provide legal justification. Thus, this is an issue of proportion and circumstance which needs to be assessed and acted upon at the time.

Justification (as a legal defence) for using physical interventions needs to address these questions:

- Is there clarity about how the intervention helps the person concerned?

- Are there any conflicts of interest where staff experience fewer demands or less stress when physical interventions are used?
- What steps have been taken to reduce the likelihood that the physical intervention will be used in the future?
- Is the justification for this pupil specifically, or for 'all' in group

The clearest lawful justification is that the actions of staff are reasonable, proportionate and in the best interests of the young person. Under Human Rights legislation they should be “absolutely necessary”. Staff owe a duty of care towards pupils which requires that reasonable measures to prevent harm are taken. Hence, in some circumstances, it may be appropriate to employ certain kinds of physical intervention to prevent a significant know and foreseeable risks of harm. Physical interventions ought only to be used when other strategies have been found to be unsuccessful, or when the risks of not employing an emergency intervention are outweighed by the risks of using one.

Use of physical interventions needs to be consistent with the Human Rights Act (1998) and the United Nations Convention on the Rights of the Child (ratified 1991). These are based on the presumption that every person is entitled to:

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

Risk assessment and risk reduction

Physical interventions need to be pupil specific, integrated with other less intrusive approaches, and clearly part of a individual management plan approach to reduce risk, when needed. They must not become a standard way of coping, as a substitute for training in people related behaviour management and deescalation skills. Health and Safety legislation applies to pupils who may present a risk to themselves or others. Wherever a risk can reasonably be foreseen there must be an assessment of the risk and a plan to reduce the risk. It is not always possible to eliminate risk but staff will need to be able to show that they have attempted to reduce it. Pupils who present a risk should have a individual management plan. Staff likely to come into contact with a pupil presenting a risk should be given guidance and training to enable them to assess and reduce the risk.

All staff must be aware of the distinction between physical contact or touch, used appropriately in everyday situations to support, encourage, guide or comfort a pupil, and the use of force to restrict movement or to disengage from pupils whose behaviour presents a clear risk of injury.

It is acknowledged that with some disengagement techniques pupils may encounter some minimal discomfort when appropriate release techniques are used. However, this is very brief, transient and poses less of a risk than the behaviour they are used in response to, eg biting.

Any response to extreme behaviour should be reasonable and proportionate. People should not react in anger. If they feel they are becoming angry they should consider withdrawing to allow someone else to deal with the situation. It is always unlawful to use force as a punishment. When physical intervention is considered staff should think about the answers to the following questions:

- Is this in the best interests of the pupil?
- Is a less intrusive intervention not preferable?
- Do we have to act now?
- Am I the best person to be doing this?
- Is this absolutely necessary?

Where possible staff should always attempt to use diversion in preference to physical interventions.

RESPONSIBILITY

The LA delegates managerial control for supervision and welfare of pupils to the Headteachers through the Governors of Frank Wise School. The Headteachers will ensure that all matters relating to the care, welfare and physical restraint of pupils are dealt with by ensuring the policy is correctly applied.

All staff have a duty of care in the protection of staff and pupils. The Headteachers will maintain an up to date list (through the 'Physical Intervention Co-ordinator') of those members of staff who have been trained to use reasonable force to effect a safe environment for all members of the community at Frank Wise School.

Whilst delegating such responsibility to the 'Physical Intervention Co-ordinator' the Headteachers will:

- Ensure that all members of staff receive regular training and guidance ;
- Ensure that all new staff receive guidance on the use of restraint as part of their induction programme;
- Provide guidance for staff dealing with challenging behaviour;
- Oversee reporting and recording systems;
- Monitor and review incidents;
- Ensure that arrangements are in place for reviewing the policy annually.

The Headteacher will review the policy annually and will report any actions / amendments to the governors of Frank Wise School.

PRINCIPLES OF PHYSICAL INTERVENTION AT FRANK WISE SCHOOL

As endorsed in the school's **Behaviour Policy**, staff utilise consistent positive strategies to encourage acceptable behaviour and good order. Wherever possible physical intervention should be a last resort - it should be reasonable, if used any intervention should be necessary and proportionate and *always in the best interests of the child*.

Every effort will be made to resolve conflicts positively and without harm to pupils or staff, property, buildings or the environment. Where unacceptable behaviour threatens good order and discipline and provokes intervention, some or all of the following approaches should be taken according to the circumstances of the incident and in association with the Education and Inspections Act 2006 Section 93.

The school acknowledges that some children behave in ways that make it necessary to consider the use of restrictive physical intervention as part of an Individual Management Plan. This generally

occurs when there is a risk of the pupil injuring themselves or others or causing damage to property. All identified behaviours necessitating use of physical intervention will be formally risk assessed using the Local Authority's procedure for this process. The resulting risk management strategy will be compatible with a positive behaviour management approach. An Individual Management Plan will be developed following the principles of the school's behaviour policy. The plan will be shared with the pupils parents/carers. All Individual Management Plans are distributed throughout the school for all staff to read and keep in their individual management plan folders lodged in each class. This plan will be operated consistently by all members of staff at the school. Planned use of physical intervention will be in keeping with the pupil's statement and his or her individual education plan. It will also be properly documented within school records.

Use of restrictive physical interventions in unforeseen and emergency situations

The school acknowledges that, on occasion, staff may find themselves in unforeseen or emergency situations when they have no option but to use reasonable force to manage a crisis. It is recommended that:

- before using force - staff attempt to use diversion to manage or defuse the situation
- when using force - staff must use techniques and methods with which they are familiar, confident and are permitted by the school
- in exceptional circumstances (where permitted techniques are ineffective or staff are unfamiliar with the action they should take) – staff shall manage the situation as best they can to comply with Section 550A of the Education Act 1996
- Staff must always report and record use of physical force that occurs in unforeseen or emergency situations using the '*Unplanned Restrictive Physical Intervention Record*' sheets held in each classroom, the school office and on the school server.

Emergency use of physical interventions may be required when pupils behave in unforeseen ways. Research evidence shows that injuries to staff and to pupils are more likely to occur when physical interventions are used in an emergency.

Even in an emergency, the force used must be "reasonable", that is, it should be proportionate to the risk posed by the situation. The staff member or members concerned should be confident that the potential adverse outcomes associated with the intervention (for example, injury or distress) will be less severe than the adverse consequences which would have occurred without the use of a physical intervention.

COMPLAINTS POLICY

- Any pupil who is recognised as presenting challenging behaviour, and may be in need of physical intervention, will have an IMP which will have been shared with parents / carers and agreed with them. All interventions will be routinely recorded.
- In any circumstance where an IMP is not in place (and where PI has taken place) then parents will be contacted by the Class Teacher or a member of the School Leadership Team.
- Reference should be made to the Staff and Parent Complaint Policy located within the Policy and Management files at Frank Wise School.

Arrangements for informing parents

Parents/carers will be informed of the school's policy regarding physical intervention in the following ways:

- At the outset of the introduction of this policy, all parents/carers will be sent a letter outlining its introduction with information about obtaining a copy for their own information.
- Thereafter, a section about the school's legal obligations to maintain a safe environment and the possible use of physical intervention (as a very last resort) with pupils, will be included in the school prospectus.
- Parents/carers will be informed after a non-routine incident where physical intervention is used with their child.

Responding to Complaints

- If a parent/carer or pupil is concerned about any aspect of the management of an incident requiring physical intervention, he/she should inform the Headteachers of their concern.
- If the concern relates to action by the Headteacher, the parent/carer should contact the Chair of Governors and follow the normal school complaint procedures.
- Sharing details of the incident and its record should enable the resolution of most complaints but if a parent remains concerned, they should contact an external agency (Police or Social Care) to provide an independent investigation of the circumstances. This will determine the necessity for further action.
- "Allegations of abuse made against staff and volunteers working with children, April 2017" can be downloaded here.
https://schools.oxfordshire.gov.uk/cms/sites/schools/files/folders/folders/documents/safeguarding/allegations_against_teachers_and_nonteaching.pdf

Reviewed by: Lara Hughes

Date: January 2019

Approved by Governors:



Date: February 2019

GUIDANCE ON THE USE OF PHYSICAL INTERVENTION AT FRANK WISE SCHOOL

School Expectations

The use of restrictive physical interventions must always be considered within the wider context of other measures. These include establishing and maintaining good relationships with children and using diversion, de-escalation and negotiation to respond to difficult situations. Use of physical force that is unwarranted, excessive or punitive is not acceptable. Failure to comply with this principle, when considering or using physical force, will be dealt with under school disciplinary procedures. The school considers the use of restrictive physical interventions as appropriate in the last resort to prevent a child injuring themselves or others, or causing serious damage to property.

The Principle of Last Resort

Staff/employees should only use physical restraint when there is no other realistic alternative. This does not mean that we always expect people to methodically work their way through a series of failing strategies before attempting an intervention in which they have some confidence. Nor does it mean always waiting until the danger is acute and imminent, by which time the prospect of safely managing it may be significantly reduced. It does mean that staff should conduct a risk assessment and choose the safest alternative available. This includes thinking creatively about any alternatives to physical intervention which may be effective. National guidance is clear on this point.

“If necessary, staff have the authority to take immediate action to prevent harm occurring even if the harm is expected to happen some time in the predicted future.” Para 10 Page 4 Department of Health – 1997 – “The Control of Children in the Public Care: Interpretation of the Children Act 1989” - London: HMSO

Reasonable interventions under these circumstances would be the choice of the least invasive but effective strategy from those outlined in the Team-Teach program.

The use of methods of restraint not approved in the Team-Teach program, particularly if these involve excessive force or cause injury to the pupil, is forbidden and may lead to disciplinary action against the member of staff responsible.

Positive Behaviour Management

All staff must adopt a positive approach to improving behaviour in order to reward effort and application, and to build self-esteem. The school will work in partnership with those who know the child to help:

- find out why this child behaves as he or she does
- understand the factors that influence this child’s behaviour
- identify early warning signs that indicate foreseeable behaviours are developing

This approach will help to ensure that early and preventative intervention is the norm. It should reduce the incidence of extreme behaviours and make sure that the use of physical force is rare. School staff must refer to the school’s behaviour policy when developing and implementing Individual Management Plans. All behaviour management plans should be formally agreed and ratified before implementing them in school. Plans should be formally recorded in accordance with school procedures and set out the action taken to:

- meet the pupil’s needs
- encourage the pupil to make positive choices and develop self-control
- support the pupil in difficult situations
- safely manage crises if and when they occur

Although written and agreed by the class teacher and the headteachers, all those who know the child well will contribute to devising the plan and parents will be invited to discuss and ratify the measures outlined.

Practice Regarding Specific Incidents:

- Staff intervening with pupils will seek assistance from other members of staff as early as possible, since single-handed intervention increases the risks of injury to both parties and does not provide a witness.
- All staff who become aware that another member of staff is intervening physically with a pupil will have responsibility to provide a presence and to offer support and assistance should this be required.
- Before intervening in a non-emergency, consideration will be given to whether or not other staff are available to assist.
- Where possible, staff who have not been involved in the initial confrontation leading up to an incident may be in a better position to intervene or restrain the pupil if this proves necessary. Staff should support colleagues by offering to take over the role of restraint to minimise stress.
- A pupil's behaviour may be adversely affected by the presence of an audience. Wherever possible, the audience will be removed, or if this is not possible, the pupil will be removed from the audience. The pupil and member(s) of staff will withdraw to a quiet, but not completely private, place (eg two members of staff should be present or a door left open so that others are aware of the situation).
- Staff will be aware of the need to tell the pupil being restrained, in a calm and gentle manner, that the reason for the intervention is to keep the pupil and others safe. Staff will explain that as soon as the pupil calms down, he/she will be released.
- All staff should be supported by a back-up system to enable staff to call for help in emergencies e.g the use of mobile phones or walkie talkies.

Physical Intervention/Restraint Approaches which can be regarded as reasonable in appropriate circumstances

The following approaches are regarded as reasonable in appropriate circumstances:

- standing between pupils;
- blocking a pupil's path;
- leading a pupil by the hand or arm;
- ushering a pupil away by placing a hand in the centre of the back;
- in more extreme circumstances, using appropriate restrictive holds, which may require specific expertise or training

Holds to be avoided except for the most extreme circumstances

The following holds must **not** be used other than in the most extreme emergency. This is when emergency action is needed to prevent the risk of **serious** injury or loss of life (eg to prevent a pupil running into a busy road or to stop an extremely violent assault on one pupil by another pupil):

- holding a pupil around the neck, or by the collar, or in any other way that might restrict a pupil's ability to breathe
- slapping, punching or kicking a pupil
- twisting or forcing limbs against a joint
- tripping a pupil
- holding a pupil by the hair or ear
- holding a pupil face down on the ground

Recording an Incident

All incidents that result in non-routine/emergency interventions will be recorded in detail using 'Unplanned Restrictive Physical Intervention' form held in classes, the school office and on the school server as soon as possible and at most within a 24 hour period.

Routine incidents of physical intervention, usually for pupils with identified needs as set out in the pupil's Individual Management Plan, will need to be recorded using the pupil's individual 'Restrictive Physical Intervention' form held within the Individual Management Plan folders in that pupil's class. Every class in the school holds one of these folders in their classroom.

Monitoring use of Restrictive Physical Interventions

The use of physical intervention in our school will be monitored in order to help our staff learn from experience, promote the well being of pupils in our care and provide a basis for appropriate support and school organisation. Monitoring will help us to determine what specialist help is needed for pupils. Information on trends and emerging problems will be shared within our school using local procedures. Monitoring information will be reported on a regular basis to school governors by the Headteachers.

Physical Intervention Records will be available for monitoring by Local Authority officers and Ofsted.

Post Incident Support

- We will ensure that the pupil and the member of staff have immediate access to first aid for any signs of injury. This must be recorded.
- We will give the pupil time to become calm while staff continue to supervise him/her. We will take all necessary steps to re-establish the relationship between the pupil and the member(s) of staff involved in the incident at an appropriate time for the individual pupil.
- All members of staff involved will be allowed a period to debrief and recover from the incident wherever necessary. This may involve access to external support. A senior member of our staff (or his/her nominee) will provide support to the member of staff involved where requested.
- The class teacher will be informed at the earliest possible opportunity of any incidents where physical intervention or restraint has been used. The individual member of staff involved will initiate the recording process supported by the class teacher (see **Recording**

an Incident above) and we will review each incident to ensure that any necessary lessons are learned.

- We will inform parents/carers of any unplanned or emergency incidences involving physical intervention as soon as possible after the incident and whenever practicable on the day of the incident before the child arrives home where it is unexpected.
- Where any injury or damage to property has occurred, we will complete a ARI form and send it to Oxfordshire County Council's Health & Safety Advisory Group.

Training Needs of Staff

- All teaching staff and classroom support officers will be trained in the county endorsed Team-Teach program. This will happen at the earliest date available after employment.
- We will ensure that all our staff receiving this training will keep it updated as prescribed by the trainers during their employment at Frank Wise School.
- In specific cases, where an individual student may require more specialist support in managing their behaviour, further training will be sought through accredited Team-Teach trainers.

Reference documents:

DfE: Use of reasonable force in schools, July 2013

<https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

The Education and Inspections Act 2006 - Section 93 replaces section 550A of the Education Act 1996 - <http://www.legislation.gov.uk/ukpga/2006/40/contents>

The Violent Crime reduction Act 2006 (screening and searching of pupils for weapons guidance for school staff pg 45), Department for Educations and Skills, 2007 –

http://www.legislation.gov.uk/ukpga/2006/38/pdfs/ukpga_20060038_en.pdf

Oxfordshire's Risk Assessment Pro Forma can be found on the County Intranet:

<http://intranet.oxfordshire.gov.uk> by clicking on the 'Schools' link and entering the search term 'Risk Assessment' (then select Appendix 2a: Risk Assessment Record RAI).

The Children's Act 2004

http://www.legislation.gov.uk/ukpga/2004/31/pdfs/ukpga_20040031_en.pdf

Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties, Joint Guidance DfES and DoH, 2003 –

http://dera.ioe.ac.uk/15433/1/guidance%20on%20the%20use%20of%20restrictive%20physical%20interventions%20for%20pupils%20with%20severe%20behavioural%20difficulties_2003.pdf

Guidance on the use of restrictive physical interventions for staff working with Children who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders, Joint Guidance DfES and DoH, 2002 –

<http://dera.ioe.ac.uk/15434/1/guidance%20on%20the%20use%20of%20restrictive%20physical%20interventions.pdf>

Frank Wise School forms to be used alongside key LA forms:

- Unplanned Restrictive Physical Intervention
- Restrictive Physical Intervention
- Individual Management Plans
- Risk Assessments

Copies of Frank Wise and Oxfordshire forms:

All of the forms and guidance can be found on the school server, within the 'Master Templates' folder, inside a folder called 'RPI'. Hard copies are located in the 'RPI' folder in the office. Hard copies of the LA forms can also be found in the office.