



Policy on the use of Positive Physical Intervention

Physical Intervention

The term 'physical intervention' (PI) has been adopted in place of 'restraint' to reflect an approach of promoting positive behaviour through risk reduction and supporting the emotional needs of pupils. Responding to the needs of pupils who present with challenging behaviour is achieved within a whole school context of supporting pupils' emotional well-being and greater access to teaching and learning in line with contemporary good practice, which requires:

behaviour support – behaviour management – behaviour change.

Definition

Physical intervention is defined as the actions by which one person restricts the movements of another, which differs from other forms of physical contact such as touching, guiding and escorting.

Physical interventions are actions taken with the intention of preventing a child from harming himself/herself or others, from causing serious danger to property and in the case of schools for the maintenance of good order and discipline. In this context 'harm' means significant risk of injury e.g. actual or grievous bodily harm, physical or sexual abuse, risking the lives of or injury to self or others.

In some situations staff may use a blend of touching, guiding or escorting and for very short periods of time, physical intervention, to assist a pupil to complete an activity. However in such circumstances, if physical interventions were to be sustained, against resistance, for more than short periods the fundamental character of the activity will have changed from teaching or therapy and the intervention would probably not be considered the most appropriate response.

Physical intervention is **never to be used as a punishment** or simply as a means to force compliance with staff instructions.

The underlying message in the use of physical intervention should be

'I care enough about you not to let you be out of control.'

Aims of Physical Intervention

The aims are to;

- Develop and sustain the school vision and ethos, which seeks to protect the dignity of both staff and pupils.
- Create a safe, secure and predictable learning environment.
- To be part of a graded and gradual response to elevated risk in a pupil's behaviour
- Assist staff to maintain high standards in their relationships with pupils.
- Provide a clear framework within which physical intervention may be used to ensure the protection of all members of the school community from harm.
- Provide a supportive framework in which staff can act in confidence.
- Help staff to minimise the risk of being accused of any improper conduct towards pupils

Legislation

As a general rule nobody has the right to touch, move, hold or contain another person. However, people with a duty of care operate in exceptional circumstances where it is sometimes necessary to do so.

The legislation governing physical intervention has two main sources

1. The latest guidance on the use of reasonable force (2013)

This is the latest in a series of updated guidance but is still founded upon DOH / DFES RPI Joint Guidance – July 2002 and continues to emphasise;

1.1 Staff training in de-escalating situations in addition to physical intervention skills.

1.2. The **duty of care** towards pupils which involves acting as any reasonable parent would act in the circumstances and that reasonable measures are taken to prevent harm.

The duty of care applies to all members of staff such that **doing nothing is not an option.**

1.2 It may be appropriate to use certain kinds of PI to prevent a significant risk of harm e.g.

To prevent a pupil injuring self or others
To prevent a pupil causing serious damage to property
And in schools - to minimise disruption

However a judgement about what is or is not 'reasonable' is based upon

- ❑ The conduct of other practitioners with similar skills and responsibilities
- ❑ An appropriate body of expert opinion
- ❑ What is reasonable in the circumstances
- ❑ The foreseeable risks associated with a course of action

(Dimond, 1995)

2 The Health and Safety Duty of Care

Assess	-	Identify hazards and people likely to come into contact with them
Reduce	-	Control the environment, issue clear guidance, provide training and change working practices to reduce exposure
Communicate	-	Positive Handling Plan - Alert people to risks and offer strategies to reduce risk

The application of Physical Intervention

There exists a difference between 'escorting' 'touching' and 'holding' which relates to the manner of the intervention, the degree of force applied, the motivation behind the intervention and the impact upon the pupil. The underlying aim must be to act in the best interests of the pupil.

There is a distinction between emergency and planned interventions.

Emergency interventions

This is an unplanned response to a one-off situation and under the obligations of a 'duty of care' requires staff to respond as best they can to a recognized risk but would not be considered the normal response to predictable or recurring behaviour. It may not be acceptable as a repeated response but should remain within the framework of the law and within acceptable levels of intervention.

Planned Interventions

A planned intervention should be arrived at through a discussion and consultation process of the Individual Access Plan (IAP) with all appropriate persons who have a responsibility for working with the pupil or have a responsibility for planning interventions with specific behaviours which are of concern to the class staff.

Planned physical interventions should:

- Be the result of recorded observation
- Be agreed in advance by the class team
- Be recorded so that the method of physical intervention and the circumstances when it is sanctioned for use are clearly understood
- Have parental involvement
- Have pupil involvement, where appropriate
- Be included as part of an Individual Access Plan
- Be only one component of a broader approach to treatment or therapy
- Be implemented with the support of the Behaviour Coordinator

The underlying aim is as always to act in the best interests of the pupil in enabling them to access the curriculum – promoting choice, independence and inclusion.

Whatever intervention is applied a pupil should be treated fairly and with courtesy and respect as outlined in the Pupils Charter, Equalities Policy, Guidelines for good practice in intimate care and Safeguarding and Child Protection Procedures.

Who can apply physical intervention?

The Education Act allows all teachers at a school to use reasonable force to control or restrain pupils. It also allows those authorised by the Head teacher to have control or charge of pupils. These include classroom assistants, SMSAs (school meal supervisory assistants), specialist support assistants, education welfare officers, escorts, caretakers, or voluntary helpers including people accompanying pupils on visits, exchanges, holidays or events organised by the school.

When physical intervention may be appropriate.

All members of school staff have a legal power to use reasonable force and may apply that power in order to prevent a pupil:

1. Committing a criminal offence, whether or not the pupil concerned has reached the age of criminal responsibility
2. Injuring themselves or others
3. Causing damage to property, including their own property
4. Engaging in any behaviour which has a negative impact on maintaining good order and discipline at the school or among other pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere eg a school journey or visit

All actions taken must be consistent with the concept of 'reasonable force'. It is not permissible to act in a way that would be considered to be a form of punishment or may be reasonably expected to cause injury.

It is the responsibility of each member of staff to make a dynamic risk assessment of the particular situation and circumstances where they will need to take account of:

- The potential risk to themselves
- The potential risk to the pupil
- The particular behaviour of the pupil
- The emotional state of the pupil
- The pupil's age and level of understanding
- The pupil's perception of the situation
- The pupil's personal history
- What took place just before the behaviour
- The special needs the pupil has
- The health of the pupil
- Their relationship with the pupil
- Their own health
- Their own skills and expertise
- The availability of other staff
- The likely consequences of not intervening
- The possible need to remove other pupils from harm if they are at risk

Other prohibited forms of control and restraint

- Pupils should not be deprived of food or drink (unless medically specified) that would normally be available to other pupils within the school (or be forced to eat foods against their will)
- Pupils should not be deprived of their liberty by being locked in a room unsupervised. The locking of external doors to protect younger pupils from leaving the premises is permitted

- ❑ No pupil should be deprived of medical care as a means of punishment/control
- ❑ No pupil should be expected to wear any item of clothing, badge or other mark intended to act as a punishment, or to wear any clothing inappropriate to the time of day or year and type of activity being undertaken. If items of clothing are removed from pupils, e.g. shoes from a child who kicks, parental agreement should be sought beforehand, and this should be reflected in their IAP as a management strategy, and serious consideration given to the health and safety issues.

A calm considered approach to a situation should always be the first option. However staff may if it is appropriate to the situation;

- ❑ Physically intervene between pupils or block a pupil's path
- ❑ Hold, push or pull
- ❑ Lead a student by the arm
- ❑ Move a pupil on by placing a hand in the centre of a pupil's back
- ❑ Use more restrictive techniques or holds in more extreme circumstances

Any intervention that may be attempted must be within the spirit of the UN declaration of human rights of the child paragraph 2, which states;

'...Parties shall respect and ensure the rights...to each child within their..(care)...without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status... (and)... shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment...'
(UN Convention on the rights of the child, 1989)

The rights of which are represented within both criminal and civil law.

Guidelines in the use of Physical Intervention

1. Incidents of physical intervention should be recorded in terms of the reason for and nature of the intervention and the frequency of occurrence.
2. When identified as a cause for concern classes should meet to plan strategies for physical intervention and then review.
3. On second review if there is still cause for concern a consultation meeting should be called involving the school staff working with the pupil and appropriate other professionals, e.g. Lead for Pastoral Care, Educational Psychologist, Speech and Language Therapist, Occupational Therapist, etc.
4. Parents should be informed of the outcome of the meeting and kept regularly informed of progress.
5. Any planned interventions should be recorded and monitored through the IAP, regular support meetings with the behaviour coordinator and termly consultation review meetings.

Staff Support

High quality training, including updates and refresher courses, will be provided to ensure that staff knowledge, skills and values are appropriate to their roles and responsibilities. It will be tailored to meet the needs and abilities of;

- ❑ The course participants (age, strength and gender)
- ❑ Those who are likely to require physical interventions
- ❑ The range of school policies as outlined in the Pupils Charter, Equal Opportunities Policy, Guidelines for good practice in intimate care and the Child Protection Procedures.

Psychological support services and strategies will also be made available to staff.

Risk assessment

Among the main risks to pupils are that a physical intervention will:

- ❑ Be used unnecessarily
- ❑ Cause pain, distress or psychological trauma
- ❑ Become routine, rather than exceptional methods of management
- ❑ Increase the risk of abuse
- ❑ Undermine the dignity of the staff, pupils or otherwise humiliate or degrade those involved
- ❑ Create distrust and undermine personal relationships

Main risks to staff:

- ❑ Applying PI results in injury
- ❑ Applying PI results in distress or psychological trauma
- ❑ The legal justification for its use is challenged in court
- ❑ Disciplinary action

The risks of not intervening include:

- ❑ Staff will be in breach of their duty of care
- ❑ Pupils, staff or other people will be injured or abused
- ❑ Serious damage to property will occur
- ❑ The possibility of litigation as a result of not intervening

Complaints procedure

The planning and use of physical intervention is one of open consultation and any concerns from staff, other professionals, parents/carers and individual pupils, where appropriate, will be considered. Where appropriate these will be referred to the Headteacher and governing body.

Monitoring and evaluation

The system for monitoring and evaluation is that:

- a) The whole staff group will be involved in identifying actions to be taken towards achieving the stated intentions of the policy. These actions/priorities to aim to be realistically attainable within a given period of time i.e. a year.
- b) The actions identified will be monitored regularly through the year by the Lead for Pastoral Care
- c) The policy and the actions will be reviewed every two years by the staff group so that further actions/priorities can be drawn out for the following year.

This Policy is due for review in January 2017