

Upham CE (A) Primary School

Policy for Restrictive Physical Intervention in Schools



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**Approved by Governors: 4th March 2021
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1 Background

We define restrictive physical intervention as follows:

Restrictive physical intervention is when a member of staff uses force intentionally to restrict a child's movement against his or her will. All staff within this setting aim to help children take responsibility for their own behaviour. We do this through a combination of approaches, which include

- positive role modelling
- teaching an interesting and challenging curriculum
- setting and enforcing appropriate boundaries and expectations
- and providing supportive feedback.

More details about this and our general approach to promoting positive behaviour can be found in our behaviour policy.

There are times when children's behaviour presents particular challenges that may require restrictive physical intervention. This policy sets out our expectations for the use of such intervention. It is not intended to refer to the general use of physical contact which might be appropriate in a range of situations, such as:

- giving physical guidance to children (for example in practical activities and PE)
- providing emotional support when a child is distressed
- providing physical care (such as first aid or toileting).

This policy is consistent with our Child Protection and Equal Opportunities policies, and with national and local guidance for schools on safeguarding children.

We exercise appropriate care when using physical contact (there is further guidance in our Child Protection policy); there are some children for whom physical contact would be inappropriate (such as those with a history of physical or sexual abuse, or those from certain cultural/religious groups). We pay careful attention to issues of gender and privacy, and to any specific requirements of certain cultural/religious groups.

2 Principles for the use of restrictive physical Intervention

2.1 In the context of positive approaches

We would only use restrictive physical intervention where the risks involved in using force are outweighed by the risks involved in not using force. It is not our preferred way of managing children's behaviour. Restrictive physical intervention may be used only in the context of a well established and well implemented positive behaviour management framework with the exception of emergency situations. We describe our approach to promoting positive behaviour in our Behaviour Policy. We aim to do all we can in order to avoid using restrictive physical intervention. We would only use restrictive physical intervention where we judge that there is no reasonably practicable less intrusive alternative.

However, there may be rare situations of such concern where we judge that we would need to use restrictive physical intervention immediately. We would use restrictive physical intervention at the same time as using other approaches, such as saying, "Stop!" and giving a warning of what might happen next. Safety is always a paramount concern and staff are not advised to use restrictive physical intervention if it is likely to put themselves at risk. We will make parents/guardians aware of how to obtain a copy of our policy when their child joins our school.

2.2 Duty of care

We all have a duty of care towards the children in our setting. This duty of care applies as much to what we *don't* do as what we *do* do. When children are in danger of hurting themselves or others, or of causing significant damage to property, we have a responsibility to intervene. In most cases, this involves an attempt to divert the child to another activity or a simple instruction to "Stop!" along with a warning of what might happen next. However, if we were to judge that it is necessary, we may use restrictive physical intervention.

2.3 Reasonable force

If we were to need to use restrictive physical intervention, we would use it within the principle of reasonable force. This means using an amount of force in proportion to the circumstances. We use as little force as is necessary in order to maintain safety, and we use this for as short a period as possible.

3 When can restrictive physical intervention be used?

Any citizen has the common law power to intervene in an emergency to use reasonable force in self defence, to prevent another person from being injured or committing a criminal offence. All school staff who have control or charge of pupils also have statutory power, in addition to common law power. Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable and proportionate to prevent a pupil from doing or continuing to do any of the following:

1. committing an offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil); or
2. causing personal injury to, or damage to the property of, any person (including the pupil himself); or
3. 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.

Restrictive physical intervention may also be appropriate where, although none of the above have yet happened, they are judged as highly likely to be about to happen.

We would be very cautious about using restrictive physical intervention where there are no immediate concerns about possible injury or exceptional damage to property. Restrictive physical intervention would only be used in exceptional circumstances, with staff that know the student well and who are able to make informed judgements about the relative risks of using, or not using, restrictive physical intervention; for example, stopping a younger child leaving the school site.

The main aim of restrictive physical intervention is usually to maintain or restore safety. We acknowledge that there may be times when restrictive physical intervention may be justified as a reasonable and proportional response to prevent damage to property or to maintain good order and discipline at the school. However, we would be particularly careful to consider all other options available before using restrictive physical intervention to achieve either of these goals. In all cases, we remember that, even if the aim is to re-establish good order, restrictive physical intervention may actually escalate the difficulty.

If we judged that restrictive physical intervention would make the situation worse, we would not use it, but would do something else (like go to seek help, make the area safe or warn about what might happen next and issue an instruction to stop) consistent with our duty of care.

Staff take into consideration that the best interest of the child is paramount and this should then be weighed up against the safety and rights of others. To be confident in our judgements, we ensure staff are up to date with recent legislation and guidance of good practice in the area.

Our duty of care means that we might use a restrictive physical intervention if a child is trying to leave our site and we judged that they would be at unacceptable risk. This duty of care also extends beyond our site boundaries: there may also be situations where we need to use restrictive physical intervention when we have control or charge of children off site (e.g. on trips).

We never use restrictive physical intervention out of anger or as a punishment.

4 Who can use restrictive physical intervention?

If the use of restrictive physical intervention is appropriate, and is part of a positive behaviour management framework, a member of staff who knows the child well should be involved, and where possible, they should have received accredited training in the use of restrictive physical intervention.

However, in an emergency, any of the following may be able to use reasonable force in the circumstances set out in Section 93 of the Education and Inspections Act (2006):

1. any teacher who works at the school, and
2. any other person whom the head teacher has authorised to have control or charge of pupils, including:
 - (a) support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors; And
 - (b) people to whom the head teacher has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying pupils on school organised visits) but not prefects.

5 Planning around an individual and risk assessment

Where an individual child has an individual positive behaviour management plan, which includes the use of restrictive physical intervention, we ensure that such staff receive appropriate training and support in behaviour management as well as restrictive physical intervention. We consider staff and children's physical and emotional health when we make these plans and consult with the child's parents/guardians.

In most situations, our use of restrictive physical intervention would be in the context of a prior risk assessment which considers:

- What the risks are
- Who is at risk and how
- What we can do to manage the risk (this may include the possible use of restrictive physical intervention)

We use this risk assessment to inform the individual behaviour plan that we develop to support the child. If this behaviour plan were to include restrictive physical intervention it would be as just one part of a whole approach to supporting the child's behaviour. The behaviour plan outlines:

Our understanding of what the child is trying to achieve or communicate through his/her behaviour

- How we adapt our environment to better meet the child's needs
- How we teach and encourage the child to use new, more appropriate behaviours
- How we reward the child when he or she makes progress
- How we respond when the child's behaviour is challenging (responsive strategies).

We pay particular attention to responsive strategies. We use a range of approaches (including humour, distraction, relocation, and offering choices) as direct alternatives to using restrictive physical intervention.

We choose these responsive strategies in the light of our risk assessment.

We would draw from as many different viewpoints as possible when we anticipate that an individual child's behaviour may require some form of restrictive physical intervention. In particular, we would include the child's perspective. We would also involve the child's parents (or those with parental responsibility), staff from our school who work with the child, and any visiting support staff (such as Educational Psychologists, Behaviour Support Team workers, Speech and Language Therapists, Social Workers and colleagues from the Child and Adolescent Mental Health Services).

We would record the outcome from these planning meetings and seek parental signature to confirm their knowledge of our planned approach. We would then review these plans at least once every 4 to 6 months, or more frequently if there were any concerns about the nature or frequency of the use of restrictive physical intervention or if there were any major changes to the child's circumstances.

We recognise that there may be some children within our school who find physical contact in general particularly unwelcome as a consequence of their culture/religious group or disability. There may be others for whom such contact is troubling as a result of their personal history, in particular of abuse. We have systems to alert staff discreetly to such issues so that we can plan accordingly to meet individual children's needs.

Where a child does not have an existing behaviour plan or risk assessment – i.e., in an emergency, staff do their best, using reasonable force within their duty of care.

6 What type of restrictive physical intervention can be used?

Any use of restrictive physical intervention by our staff should be consistent with the principle of reasonable force. In all cases, staff should be guided in their choices of action by the principles in section 2 above.

Staff will not act in ways that might reasonably be expected to cause injury, for example by:

- Holding a child around the neck or collar or in any other way that might restrict the child's ability to breathe
- Twisting or forcing limbs against a joint
- Holding a child by the hair or ear
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Such actions would normally be considered inappropriate. We do not plan for and do not allow, except in emergency situations, staff to use seclusion. Seclusion is where a young person is forced to spend time alone in a confined space against their will.

We may, however, use withdrawal or time-out in a planned way. We define these as follows:

Withdrawal involves taking a young person, with their agreement, away from a situation that has caused anxiety or distress, to a place where they can be observed continuously and supported until they are ready to resume their usual activities.

Time-out is where a response to a young person's inappropriate behaviour includes a specific period of time with no positive reinforcement as part of an overall intervention plan.

Where staff need specific training in the use of restrictive physical intervention, we arrange that they should receive Team Teach training, through Hampshire County Council. This training is accredited by the Institute of Conflict Management (ICM) We would ensure that staff have access to appropriate refresher training.

Further, we actively work to ensure general training is accessed by our staff in the following areas:

- Those relating to legal issues policy and risk assessment
- understanding behaviour and planning for change
- de-escalation technique

7 Recording and reporting

We would record any use of restrictive physical intervention. We would do this as soon as possible after an event, ideally within 24 hours. Where an incident causes injury to a member of staff, it should be recorded as per the corporate

accident/incident reporting procedure using the online report form. Further, our governing body ensures that procedures are in place for recording significant incidents and then reporting these incidents as soon as possible to pupil's parents.

After using restrictive physical intervention, we would ensure that the headteacher is informed as soon as possible. We would also inform parents by phone (or by letter or note home with the child if this is not possible). A copy of the record form would also be available for parents to read.

In rare cases, we might need to inform the police, such as in incidents that involve the possession of weapons. This would be in line with our general practice, informed by the DfE Guidance *Screening, Searching and Confiscation – Advice for Head Teachers, Staff and Governing Bodies* (2014) and Section 45 of the *Violent Crime Reduction Act 2006*.

8 Supporting and reviewing

We recognise that it is distressing to be involved in a physical intervention, whether as the child being held, the person doing the holding, or someone observing or hearing about what has happened.

After a restrictive physical intervention, we would give support to the child so that they can understand why it was necessary. Where we can, we would record how the child felt about this using the Hampshire document 'planning and recording physical intervention in schools (updated 2015) and we would support the child to help them record their views. Where it is appropriate, we would have the same sort of conversations with other children who observed what happened.

In all cases, we would wait until the child has calmed down enough to be able to talk productively and learn from this conversation. If necessary, the child will be asked whether he or she has been injured so that appropriate first aid can be given. This would also give the child an opportunity to say whether anything inappropriate has happened in connection with the incident.

We would also support the adults who were involved, either actively or as observers, by giving them the chance to talk through what has happened with the most appropriate person from the staff team.

A key aim of our after-incident support would be to repair any potential strain to the relationship between the child and the people that were involved in the restrictive physical intervention.

After a restrictive physical intervention, we would consider whether the individual behaviour plan needed to be reviewed so that we could reduce the risk of needing to use restrictive physical intervention again.

9 Monitoring

The headteacher will inform the governing body of occasions of the use of restrictive physical intervention when behavioural information is reported termly through his written Headteacher's report. If there are reasons to explore patterns,

trends or incidents further, the SEND governor (Judith Carrie) will review the records with the headteacher so that appropriate action can be taken.

10 Concerns and complaints

The use of restrictive physical intervention is distressing to all involved and can lead to concerns, allegations or complaints of inappropriate or excessive use. In particular, a child might complain about the use of restrictive physical intervention in the heat of the moment but on further reflection might better understand why it happened. In other situations, further reflection might lead the child to feel strongly that the use of restrictive physical intervention was inappropriate. This is why we would be careful to ensure all children have a chance to review the incident after they have calmed down.

If a child or parent has a concern about the way restrictive physical intervention has been used, our school's complaints procedure explains how to take the matter further and how long we will take to respond to these concerns.

Where there is an allegation of assault or abusive behaviour, we ensure that the head teacher is immediately informed. We would also follow our child protection procedures. In the absence of the head teacher, in relation to restrictive physical intervention, we would ensure that the deputy DSL is informed. If the concern, complaint or allegation concerns the head teacher, we would ensure that the Chair of Governors is informed.

Our staff will always seek to avoid injury to the pupil, but it is possible that bruising or scratching may occur accidentally. This is not to be seen as necessarily a failure of professional technique but a regrettable and infrequent side effect of making sure the service user remain safe.

If parents/carers are not satisfied with the way the complaint has been handled, they have the right to take the matter further as set out in our complaints procedure. The results and procedures used in dealing with complaints are monitored by the governing body.

11 Reviewing this policy

We adopted this policy on 4th January, 2021. It is next due for review by 2024 or following a change in incidence or relevant pupil admission.

Taken from model policy

<https://documents.hants.gov.uk/childrens-services/restrictivephysicalinterventioninschools2020policy.doc>