



## Physical Intervention Policy

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## 1. Introduction

This policy has been developed in line with DfE guidance Jan 2013 entitled 'Use of Reasonable Force, Advice for head teachers, staff and governing bodies' .

This document has been prepared to assist all staff and volunteers working within Shenstone and Brades Lodge Schools. Its aim is to explain how and when school staff may use reasonable force, care and control to support the management of its students. Its contents are available to parents and pupils.

For the purposes of this policy the use of 'school' refers to both Shenstone Lodge and Brades Lodge sites.

Good personal and professional relationships between staff and pupils are vital to ensure good order in our school. It is recognised that the majority of pupils in our school respond positively to the school behaviour code and follow staff directions. This ensures the well-being and safety of all pupils and staff. It is also acknowledged that in some circumstances, staff may need to take action involving the use of a physical intervention

Every effort will be made to ensure that staff in this school:

- i) clearly understand this policy and their duty of care responsibilities
- ii) are provided with appropriate training to support the management of challenging behaviour including the use of reasonable force.

## 2. Legal Framework

Reasonable force should only be used if it is deemed to be in the BEST INTEREST of the child following an analysis of the presented risks

The Education and Inspections Act 2006 (Part 7, Chapter 1) stipulates that reasonable force **may** be used to prevent a pupil from doing, or continuing to do any of the following:

- engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether the behaviour occurs in a classroom during a teaching session or elsewhere within the school (this includes authorised out-of-school activities)
- self-injuring
- causing injury to others
- committing an offence

ALL staff and volunteers should operate with an appropriate duty of care and within policy guidance.

The application of any form of physical control can place staff in a vulnerable position.

Staff, therefore, have a responsibility to seek alternative strategies wherever possible in order to prevent the need for physical intervention.

From 16 years onwards, the Mental Capacity Act 2005 presumes that an individual has the capacity and legal right to make his or her own decisions - even bad decisions. Other people have no legal authority to interfere, even if they think it is in the individual's best interests.

There are circumstances in which children over the age of 16 years lack the capacity to make decisions and it is in their best interests for others to help them. If professionals are planning to make decisions on their behalf they need to obtain legal authority from the Court of Protection.

### **Schools can use reasonable force to:**

- remove disruptive children from the classroom where they have refused to follow an instruction to do so
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground
- restrain a pupil at risk of harming themselves through physical outbursts

### **Schools cannot:**

- use force as a punishment – it is always unlawful to use force as a punishment.

### **Power to search pupils without consent**

In addition to the general power to use reasonable force described above, head teachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”<sup>3</sup>:

- knives and weapons
- alcohol
- illegal drugs

- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.
- Force cannot be used to search for items banned under the school rules.

### 3. Definitions

#### **Reasonable Force**

Force is used to 'control or restrain' and Reasonable means 'using no more force than is needed'

#### **Physical Contact**

This describes situations when proper physical contact occurs between staff and pupils (for example, in the care of pupils with learning disabilities, in games or PE or to comfort pupils).

#### **Control**

Active control may be used to divert a pupil from a destructive or disruptive action (for example, guiding or leading a pupil by the hand, arm or shoulder with little or no force). Passive control may be moving between two pupils or blocking a pupils path.

#### **Physical Restraint**

The use of force to overcome rigorous resistance; completely directing, deciding and controlling a person's free movement. (Team Teach 'Physical Contact' publication 2011)

The purpose of its application should be to safeguard the person, other people or prevent significant damage to property. The level of compliance from the pupil determines whether or not the interaction is a control or restraint.

A physical intervention should use the minimum degree of force necessary for the shortest period of time to prevent a pupil harming themselves, others or damaging property.

The scale and nature of any physical intervention must be proportionate to both the behaviour of the individual to be controlled, and the nature of the harm they might cause (see page 3 of the DfE guidance Use of Reasonable Force 2013).

Reasonable adjustments for pupils with a disability or special educational needs will be made to take account of known information about the pupil's needs and their understanding of the situation

#### 4. 'Behaviour Recovery Room'

It is notable that some students will refer themselves to this room to 'sit quietly' and self manage their behaviour.

On occasions, staff will refer a student to use the 'Behaviour Recovery Room' to reduce presented and potential risks. This is classed as a physical intervention and as such is subject to the reporting and recording protocols of other interventions such as holds and restraints. It is not to be used as a sanction or punishment.

The use of the room should be planned wherever possible, i.e. if it is to be used with a particular pupil; this strategy should be included in their 'Behaviour or Intervention Plan' and shared with staff and parents/carers.

Pupils may be prevented from leaving this room by staff holding the door shut or locking it (if this reduces the risks presented (as assessed by the staff attending)). The sole purpose of this high level emergency response is to keep all concerned as safe as possible, until the student is calm enough to be engaged without risk of violence.

It should be underpinned by a clear analysis of the risks presented at the time and in line with the 'best interest principle'.

They will be supervised by an adult at all times to ensure safety.

#### **The DfE adopts the following position in the Behaviour and Discipline in schools document (advice for headteachers and school staff Jan 2016)**

##### **Seclusion / Isolation rooms**

42. Schools can adopt a policy which allows disruptive pupils to be placed in an area away from other pupils for a limited period, in what are often referred to as seclusion or isolation rooms. If a school uses seclusion or isolation rooms as a disciplinary penalty this should be made clear in their behaviour policy. As with all other disciplinary penalties, schools must act reasonably in all the circumstances when using such rooms (see paragraphs 14 and 15). Any use of isolation that prevents a child from leaving a room of their own free will should only be considered in exceptional circumstances. The school must also ensure the health and safety of pupils and any requirements in relation to safeguarding and pupil welfare.
43. It is for individual schools to decide how long a pupil should be kept in seclusion or isolation, and for the staff member in charge to determine what pupils may and may not do during the time they are there. Schools should ensure that pupils are kept in seclusion or isolation no longer than is necessary and that their time spent there is used as constructively as possible. Schools should also allow pupils time to eat or use the toilet.

## **DfE National Minimum Standards for Residential Special Schools (published April 2015) state**

12.7 These standards do not prevent a child from being deprived of their liberty where that deprivation is authorised in accordance with a court order.

Locking the door will be against the norm and will need to be judged/justified, reported and recorded against all relevant guidance.

See appendix 1 - "The Use of a Behaviour Recovery Room"

### **The recently published Report of Sir Martin Narey's independent review of children's residential care July 2016 States**

"No child in care should be exposed to any more danger than that to which we would expose our own children. The Department for Education, in consultation with Ofsted, needs to reconsider their guidance - taking account of recent Court judgements - to ensure that staff are able to keep children safe by preventing them leaving homes at time of danger, either by locking doors or using restraint, and that they can be confident in the legality of their doing so."

Page 44

### **Police Intervention**

If it is felt that a situation can no longer be managed safely by school then the decision may be made by senior school staff to call for police assistance.

## **5. Authorised Staff**

In this school all staff are authorised to use reasonable force within the context of the DfE publication 'Use of Reasonable Force Advice for Head Teachers, Staff and Governing Bodies' (Jan 2013)

The head teacher can legally authorize others, for example volunteers or parents assisting with a trip, but caution in extending such authorisation should be exercised.

The head teacher is responsible for ensuring that all staff are aware of their right to use reasonable force and in what circumstances they may use it.  
**NB.** This right is not a basis for a legal defence in the event of an allegation of misconduct or malpractice.

## **6. Other Workers within the School**

It is the responsibility of the heads of school to make sure that individuals entering the site to work are aware of the nature of the young people and are offered some guidance in what to do if an incident occurs or is witnessed.

## **7. Training**

It is the responsibility of the Head of School to arrange suitable training for all staff.

No member of staff will be expected to use a physical intervention without appropriate training.

The school uses Team Teach as its accredited physical intervention training programme. Team Teach is accredited by the Institute of Conflict.

Management (ICM) and uses the Team Teach code of practice on physical intervention.

Training programmes and refreshers are run as appropriate across both sites to minimise 'training gaps' for new and current staff.

Prior to the provision of training, new staff or volunteers will receive guidance by the head of school or their designated person on action to be taken in the event of challenging and/or dangerous circumstances.

## **8. Risk assessment and Individual Behaviour Management Plans**

Specific assessment of risk will be made for each child as appropriate, in the context of identified behaviour(s) and environments in which they occur. The assessment should identify potential control measures.

Any interventions used will take account of a young person's:

- Age, gender
- level of physical, emotional and intellectual development
- particular special needs
- social context
- physical, medical or relevant conditions

## 9. Recording

Where physical restraint has been used, a record of the incident will be kept. This record will be made on the schools 'behaviour watch' incident reporting software as far as possible within 24 hrs of the incident.

A health & safety Accidents & Aggressive Incident form will need to be completed and returned to Sandwell's Health & Safety Team if injury has occurred to staff or pupils during the incident. Where staff have been involved in an incident involving reasonable force they should have access to counselling and support.

Whenever a member of staff has occasion to use physical restraint, this will be recorded and documented following agreed procedures. Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the senior leadership team to developing trends and to engage necessary action.

## 10. Monitoring incidents

A review of all incidents will be carried out half termly by the Executive Head Teacher and Governors informed termly. Reviews will be used to inform planning to meet individual pupil and school needs.

Physical interventions are not treated in isolation and the school is committed to ensuring that following incidents, learning opportunities are created for children that allow them to reflect on and take responsibility for their behaviour.

## 11. Complaints

The availability of a clear policy about reasonable force and early involvement of parents should reduce the likelihood of complaints but may not eliminate them. Any complaints about staff will be investigated as appropriate.

Staff are trained to use 'Team Teach' techniques as the preferred behaviour management and physical intervention strategy. The following statement reflects the working realities and likely consequences when individuals are involved in an incident involving use of force.

"Team Teach techniques seek to avoid injury to the service user, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that the service user remains safe". (George Matthews - Director)

## 12. Other relevant policies and guidance

Behaviour Management and Risk reduction Policy, Health & Safety Policy, Child Protection Policy

DfE doc. 'Use of Reasonable Force. Advice for head teachers, staff and governing bodies'. (Jan 2013)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/488034/Behaviour\\_and\\_Discipline\\_in\\_Schools -  
\\_A\\_guide\\_for\\_headteachers\\_and\\_School\\_Staff.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/488034/Behaviour_and_Discipline_in_Schools_-_A_guide_for_headteachers_and_School_Staff.pdf)

## Appendix 1

### The Use of 'Behaviour Recovery Room'

**The use of the 'Behaviour Recovery Room' will be classed as part of a physical intervention if staff are required to physically manage a student to the space and as such is subject to the reporting and recording protocols of other interventions such as holds and restraints.**

The use of the room should be planned wherever possible, i.e. if it is to be used with a particular pupil; this strategy should be included in their 'Behaviour, Support and Intervention Plan' **and shared with staff and parents/carers.**

It may be that their plan indicates that restrictive physical intervention should be used to remove them to this room immediately in order to handle the child as little as possible, cause minimum distress to the child, and minimum risk to staff and property.

Pupils may be prevented from leaving this room in order to keep themselves and others free from harm, until they are calm enough to be engaged safely. They will be supervised by an adult at all times.

Pupils may be prevented from taking items into the room which may cause damage to themselves or property e.g. pencils/paper clips, potential ligatures if attending staff perceive a risk.

Staff will observe the child in the room to ensure their safety. If the child continues to be distressed for a long period of time or appears to be attempting self-harm, staff may need to resume 'hands on' restrictive physical intervention.

Use of the 'Behaviour Recovery Room' should be recorded and reported in line with other physical intervention protocols.

The 'Behaviour Recovery Room' is not to be used as a sanction or punishment.

## **PROTOCOLS FOR USE OF THE 'Behaviour Recovery Room'**

The school takes the position that any physical management response to a child which requires a door to be used as a restrictive barrier (whether locked or held closed) against the students will be against the norm and is to be considered an emergency response. Any physical management at this level has to be underpinned and considered to be reasonable, proportionate and 'in the best interest of the child' to have any credible defence. Any member of staff using this strategy must be able to demonstrate that they considered alternative options and balanced the relative elements of risk.

A 'locked' door should not form part of a planned behaviour management plan

This is not using a room for 'Time Out' purposes which requires student compliance.

### **Guidance**

- Action at this level is not the norm
- The restriction of students movement can be considered to be a physical intervention and as such the same recording and reporting protocols should be followed
- Students with restricted movement are monitored/ observed to ensure safety and 'best interest' principles are maintained
- Any restriction of movement should be for the least amount of time required to reduce the level of risk presented
- The restriction of student movement has to be reasonable, proportionate and 'in the best interest of the child'
- Any individuals restricting student movement, must be able to demonstrate how and why this action was 'in the best interest' of the child
- Any individuals restricting student movement should must parent/ carers have been informed as appropriate

Students who are known to require this high level of support should have a risk assessment and/or an Individual Crisis/Behaviour Management Plan available to staff outlining a range of alternative management strategies to try to avoid and reduce such high level physical responses.