

St Nicholas Primary School



Physical Intervention policy 2016

- **See Staff Handbook, Code of Conduct, Safeguarding and Child Protection Policy, Whistle blowers Policy, Behaviour Policy, Behaviour policy, SEN policy, Health & Safety policy, First Aid policy**

Introduction

This policy is based on guidance outlined in the DfE (July 2013) use of Reasonable Force. The guidance refers to the Education and Inspection Act 2006 which clarifies the position regarding the use of physical force by teachers and other staff working in the school, to control or restrain pupils.

What is reasonable force?

'Reasonable force' is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a pupil needs to be restrained to prevent violence or injury.

Section 93 of the Education and Inspection Act 2006 and guidance issued by the DfE 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 themselves); or
- prejudicing the maintenance of good order and discipline of that school or among any pupils receiving education at the school, whether during teaching sessions or otherwise.

There is no legal definition of when it is reasonable to use force and each case must be judged on its circumstance and those exercising the power to use force must also take account of any particular SEN and/or disability.

Staff will always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring a pupil.

Schools can not use force as a punishment

Who can use reasonable force?

All members of St Nicholas staff have a legal power to use reasonable force¹, including teaching assistants and lunchtime supervisors. This power may also apply to people whom the Headteacher has temporarily put in charge of pupils such as unpaid volunteers supporting an organised visit.

As far as possible, staff should not use force unless or until another responsible adult is present to support, observe and call for assistance.

¹ Section 93, Education and Inspections Act 2006

Minimising the need to use force

St Nicholas Primary school will:

- create and maintain a calm, orderly and supportive learning environment that minimises the risk of incident that might force arising;
- develop effective relationships between staff and pupils that are to good order;

- use appropriate approaches to teach pupils how to manage conflict and strong feelings;
- de-escalate incidents if they arise;
- only use force when the risk involved is doing so, outweigh the risk involved in not using force.

When can reasonable force be used?

Physical restraint should only be used as a last resort where possible; other non-physical strategies for diffusing the situation must be tried first. Whenever possible, the age, level of understanding and gender of the pupil should be considered.

Staff need to keep themselves safe at all times.

Examples of when it may be necessary to use reasonable force.

- Remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- Prevent a physical attack by a pupil on an adult or other pupil;
- A pupil behaving in a way which places other pupil at risk e.g. pushing, tripping, rough play, running in corridors;
- Prevent a pupil running into a road
- Prevent a pupil behaving in a way that disrupts a school event or a school trip/visit;

Staff Training

Training on behaviour management will include ways of avoiding or defusing situations in which physical intervention might become necessary as well as methods of physical intervention. Reminders of the policy will be given regularly through staff meetings.

Specific training will be provided for those staff working closely with any pupil with SEN and/or disabilities associated with extreme behaviour, Positive Handling Plans (PHPs) must also be produced.

Recording Incidents

Any incident on which force has been used is to be recorded and the record kept centrally and in the pupil file.

Staff involved are also required to write as detailed an account of the incident as possible. Other witnesses are also requested to write an account. The report will be used by the school to check that policy guidelines have been followed, to inform parents and to prevent misunderstanding or misinterpretation of the incident. The report would also provide evidence should any further enquiry arise or be necessary.

Reporting Incidents

After any incident in which force has been used parents are to be informed as soon as possible after the incident. This will usually be by telephone and confirmed in writing. Parents should be given a copy of policy.

The Head teacher will report all incidents that have necessitated the use of force to the governing body.

External agencies, such as, CYPS, the local safeguarding board or the police, will be informed of the incident by the Head depending of the nature and seriousness of the incident.

Powers to search pupils without consent

In addition to general power to use reasonable force, the Headteacher and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following 'prohibited items'²:

- knives or weapons
- alcohol
- tobacco and cigarette papers
- fireworks
- illegal drugs
- stolen items
- pornographic images
- any article that the member of staff reasonably suspects has been, or is likely to be used
 - i) to commit an offence,
 - ii) to cause personal injury to, or damage to the property of, any person (including the pupil)
- Headteacher and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for.

School staff can confiscate any prohibited items found as a result of a search.

The Headteacher must ensure the person carrying out the search is of the same sex as the pupil, and the search must be carried out in the presence of another adult also of the same sex as the pupil. Pupils cannot be required to remove any clothing other than outer garments. If pupil's possessions are searched this must also be done in the presence of another adult. The person carrying out the search is able to use such force as is reasonable in the circumstance for exercising that power.

Complaints or Allegations

All complaints about the use of force will be thoroughly, speedily and appropriately investigated.

Complaints will be dealt with under the school's complaints procedures however, if an allegation of abuse is made against a member of staff, the school will follow the procedures outlined in the child protection policy.

² The School Behaviour (Determination and Publicising of Measure in Academies) Regulations 2012

Other physical contact with pupils

There are occasions when physical contact, other than reasonable force, with a pupil if proper and necessary, e.g. sports, coaching or giving first aid.

Touching may also be appropriate where a pupil is being congratulated or praised, or where a pupil is in distress and needs comforting. Teachers must use their own professional judgement when they feel a pupil needs this kind of support. For some pupils touching is particularly unwelcome. Staff must bear in mind that even innocent and well-intentional physical contact can sometimes be misconstrued.

Responsibilities

The Governing Body are responsible for preparing and reviewing this policy every two years.

The Headteacher will ensure that recording and reporting system are in place plus report incidents and outcomes to the Governing Body, as and when necessary.

Further sources of information

- ◆ Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders (2002)
- ◆ Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)
- ◆ Use of reasonable force – Advice for Headteachers, staff and Governing Bodies (DfE, 2013)
- ◆ Screening, searching and confiscation – Advice for headteachers, staff and governing bodies. (DfE, 2013)
- ◆ Dealing with allegations of abuse against teachers and other staff – Guidance for local authorities, headteachers, school staff, governing bodies and proprietors of independent schools, (DfE, 2012)
- ◆ Guidance for Safe Working Practice for Adults who work with Children and Young People in Education Settings (DfE, 2009)

Dated:

Ratified by Governing Body on:

Review Date: Spring 2017

NON-PHYSICAL CRISES INTERVENTION TECHNIQUES

Do	Don't
<ul style="list-style-type: none"> ◆ Appear calm and relaxed 	<ul style="list-style-type: none"> ◆ Appear afraid and unsure of yourself, ◆ Bossy or arrogant ◆ Assume an "I don't give a damn about you" attitude
<ul style="list-style-type: none"> ◆ Keep the pitch and volume of your voice down 	<ul style="list-style-type: none"> ◆ Raise your voice
<ul style="list-style-type: none"> ◆ Feel comfortable with the fact you are in control ◆ Project a calm assured feeling that you will see the situation through to a peaceful end no matter what happens 	<ul style="list-style-type: none"> ◆ Appear to expect an attack
<ul style="list-style-type: none"> ◆ Talk with the pupil 	<ul style="list-style-type: none"> ◆ Give demands ◆ Make demands
<ul style="list-style-type: none"> ◆ Be matter of fact if the pupil becomes agitated ◆ Be sensitive and flexible ◆ Be flexible but consistent ◆ Be aware of body language 	<ul style="list-style-type: none"> ◆ Make threats ◆ Maintain continuous eye contact ◆ Gesticulate
<ul style="list-style-type: none"> ◆ Stay close to the pupil and attend to him/her 	<ul style="list-style-type: none"> ◆ Turn your back or leave ◆ Invade their personal space
<ul style="list-style-type: none"> ◆ Be patient 	<ul style="list-style-type: none"> ◆ Display emotion ◆ Argue
<ul style="list-style-type: none"> ◆ Acknowledge his/her feelings ◆ Leave the pupil an avenue of escape 	<ul style="list-style-type: none"> ◆ Corner the pupil physically or psychologically
<ul style="list-style-type: none"> ◆ Where possible, remain seated as long as the pupil does; ◆ Avoid crowding 	<ul style="list-style-type: none"> ◆ Get up and move towards the pupil

Appendix 2

USE OF FORCE TO CONTROL OR RESTRAIN PUPILS
INCIDENT RECORD

Details of the pupil or pupils on whom force was used by a member of staff:

Date, time and location of incident:

Details of other pupils involved (directly or as witnesses), including whether any of the pupils involved were vulnerable for SEN, disability, medical or social reasons:

Description of the incident by the staff involved, including any attempts to de-escalate and warnings given that force might be used:

Reason for using force and description of force used:

Any injury suffered by staff or pupils and any first aid and/or medical attention required:

Reason for making a record of the incident:

Follow up, including post incident support and any disciplinary action required against the pupil/s:

Any information about the incident shared with staff not involved in it and external agencies:

Date & time parents/carers informed of the incident:

By whom:

Outline of parents/carers response:

Has any complaint/allegation been logged (details should not be recorded here):

Yes

No

Report compiled by:

Report countersigned by:

Name & Role:

Name & Role:

Signature:

Signature:

Date:

Date:

IMPORTANT: - THIS FORM MUST BE COMPLETED THE SAME DAY