



Bishop Gore School

PHYSICAL INTERVENTION POLICY:

(The use of reasonable force to restrain and control children and young people)

Date of Implementation: March 2015
Date of Review: March 2017
Lead Person: Debra Treharne

1 Background

Bishop Gore School defines physical intervention as follows:

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 Bishop Gore School 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
- providing supportive feedback.
- providing appropriate coping strategies for managing behaviour.

More details about this and our general approach to promoting positive behaviour can be found in our Behaviour for Learning policy. There are times when children's behaviour presents particular challenges that may require 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 physical intervention

2.1 In the context of positive approaches

We only use 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. 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 for Learning Policy. We aim to do all we can in order to avoid using physical intervention. We would only use 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 physical intervention immediately. We would use 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 physical intervention if it is likely to put themselves at risk. We will make parents/guardians aware of our Physical Intervention policy alongside other policies when their youngster joins our school.

2.2 Duty of care

We all have a duty of care towards the children and young people in our setting. This duty of care applies as much to what we *don't* do as what we do. When children or young people 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 judge that it is necessary, we may use physical intervention.

2.3 Reasonable force

When we need to use physical intervention, we 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 physical intervention be used?

The use of physical intervention may be justified where a pupil is:

1. committing an offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil)
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.

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

The main aim of physical intervention is usually to maintain or restore safety. We acknowledge that there may be times when 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 physical intervention to achieve either of these goals.

In all cases, we remember that, even if the aim is to re-establish good order, physical intervention may actually escalate the difficulty. If we judge that 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.

Our duty of care means that we might use a 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 physical intervention when we have control or charge of children off site (e.g. on trips). We never use physical intervention out of anger or as a punishment.

4 Who can use physical intervention?

If the use of 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, BILD accredited trained in the use of physical intervention. However, in an emergency, any of the following may be able to use reasonable force:

1. any teacher who works at the school,
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;
 - b. people to whom the headteacher 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

In an emergency, staff do their best, using reasonable force within their duty of care.

Where an individual child has an individual behaviour plan, which includes the use of physical intervention, we ensure that such staff receive appropriate training and support in behaviour management as well as 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 physical intervention is in the context of a prior risk assessment that 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 physical intervention)

We use this risk assessment to inform the individual behaviour plan that we develop to support the child. If this behaviour plan includes physical intervention it will 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 physical intervention.
- We choose these responsive strategies in the light of our risk assessment.
- We draw from as many different viewpoints as possible when we anticipate that an individual child's behaviour may require some form of physical intervention. In particular, we include the child's perspective. We 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 Specialist Teachers, Speech and Language Therapists, Social Workers, PI Workers and colleagues from the Child and Adolescent Mental Health Services).
- We record the outcome from these planning meetings and seek parental signature to confirm their knowledge of our planned approach. We review these plans at least once every 4 to 6 months, or more frequently if there are any concerns about the nature or frequency of the use of physical intervention or where there are 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 discretely to such issues so that we can plan accordingly to meet individual children's needs.

6. What type of physical intervention can be used?

Any use of 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 should 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
- Slapping, punching or kicking a child
- Twisting or forcing limbs against a joint
- Tripping a child
- Holding a child by the hair or ear

Such actions would normally be considered potentially 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.

7 Recording and reporting

The Designated Senior Teacher records any use of physical intervention. This is done as soon as possible and in any event within 24 hours of the incident. A copy of the incident form (appendix 2) is sent to the Local Authority within 24 hours of the incident to allow for the analysis of the use of physical intervention across the authority. According to the nature of the incident, we may also note it in other records, e.g the accident book, violent incident records or child tracking sheets and shared with appropriate Social Services Department, e.g. Health and Safety where appropriate. Further, our governing body ensures that procedures are in place for recording significant

incidents and then reporting these incidents as soon as possible to the pupil's parents. After using physical intervention, the Designated Senior Teacher ensures that the Head Teacher is informed as soon as possible. She will also inform EACH parent by phone (or by letter or note home with the child if this is not possible).

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 physical intervention, we give support to the child so that they can understand why it was necessary. Where we can, we record how the child felt about this. Where it is appropriate, we have the same sort of conversations with other children who observed what happened. In all cases, we will 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 also gives the child an opportunity to say whether anything inappropriate has happened in connection with the incident.

We also support adults who were involved, either actively or as observers, by giving them the chance to talk through what has happened with the Designated Senior Teacher. A key aim of our after-incident support is to repair any potential strain to the relationship between the child and the people that were involved in the physical intervention.

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

9 Monitoring

We monitor the use of physical intervention in our school. The Senior Leadership Team are responsible for reviewing the records on a termly basis, and more often if the need arises, so that appropriate action can be taken. The information is also used by the governing body when this policy and related policies are reviewed.

Our analysis considers equalities issues such as age, gender, disability, culture and religion issues in order to make sure that there is no potential discrimination; we also consider potential child protection issues. We look for any trends in the relative use of restrictive physical intervention across different staff members and across different times of day or settings. Our aims

are to protect children, to avoid discrimination and to develop our ability to meet the needs of children without using physical intervention. We report this analysis back to the governing body so that appropriate further action can be taken and monitored.

10 Concerns and complaints

The use of 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 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 physical intervention was inappropriate. This is why we are 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 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 physical intervention, we ensure that the Designated Senior Teacher is informed.

If the concern, complaint or allegation concerns the HeadTeacher, we ensure that the Chair of Governors is informed. 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 March 20th 2015.
It is next due for review by March 20th 2017.

Appendix 1

'What the law says'

The legal context and guidance has been taken from the Welsh Government's document Safe and effective intervention- use of reasonable force and searching for weapons and section 93 of The Education and Inspectors Act.

Section 93 of the Education and Inspections Act 2006, replaced Section 550A of the Education Act 1996 and 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 himself); 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. The staff to which this power applies are defined in section 95 of the Act. They are:
 - any teacher who works at the school, and any other person whom the head has authorised to have control or charge of pupils.
 - support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors. It
 - people to whom the head 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);

Those exercising the power to use reasonable force must also take proper account of any particular special educational need (SEN) and/or disability that a pupil might have. Under the Equality Act 2010 schools have key duties:

- not to treat a disabled pupil less favourably, because of his/her disability, than a non-disabled pupil;
- not to treat a disabled pupil unfavourably because of a reason related to their disability, without justification; and

- not to apply a provision, criterion or practice that puts or would put a disabled pupil at a particular disadvantage compared with a non-disabled pupil, without justification;
- to take reasonable steps to avoid putting a disabled pupil at a substantial disadvantage in comparison with a non-disabled pupil (known as the reasonable adjustments duty).

The power may be used where the pupil (including a pupil from another school) is on school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

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 force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour. However, deciding whether misbehaviour is trivial also depends on circumstances. For example, running in a corridor crowded with small children where there is a real danger of knocking them into walls or down steps may be dangerous enough not to be regarded as trivial.

The statutory power conferred by Section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence, to prevent another person from being injured or committing a criminal offence. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is only available to people authorised to have control or charge of pupils.

On preventing other types of criminal offence, Section 93 provides essential clarification. It is by no means clear that all the behaviours that prejudice school discipline are also criminal offences and most primary pupils are below the age of criminal responsibility. So Section 93 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

Reasonable force may also be used in exercising the statutory power, introduced under Section 45 of the Violent Crime Reduction Act 2006, to search pupils, without their consent, for weapons. This search power would apply to head teachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force could be used by the searcher and/or the second person required to be present at a search. However the Welsh Government strongly advises

schools not to search pupils where resistance is expected, but rather to call the police.

It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, abolished by Section 548 of the Education Act 1996. The use of force should be an act of care and control, not punishment. It is unlawful to use any degree of physical contact that is deliberately intended to punish a child or young person or which is intended to cause pain, injury or humiliation

Situations where staff should not normally intervene without help

An authorised member of staff should not intervene in an incident without help, unless it is an emergency. Schools should have communication systems that enable a member of staff to summon rapid assistance when necessary. Help may be needed in dealing with a situation involving an older or physically stronger pupil, a large pupil, more than one pupil or if the authorised member of staff believes he or she may be at risk of injury. In these circumstances he or she should take steps to remove other pupils who might be at risk and summon assistance from other authorised staff, or where necessary phone the police.

Appendix 2 Incident Recording Sheet

Name of Young Person:				School:					
Location of Incident:				Date:					
Full Names and Roles of Staff Involved:									
Start Time of Incident		Duration of any Restraint		Any Injuries (If injuries were sustained)		Medical Check		Incident Reviewed with Young Person	
Hours/minutes	Minutes	Other		Offered		Offered			
		Child		Accepted		Accepted			
Nature of Incident			External Agencies Informed			Supporting Records Completed			
Injury to Person			Medical Staff			Incident Book			
Damage to Property			Parent/Guardian			Accident Report			
Criminal Offence			Social Worker			Medical Report			
Serious Disruption			Placing Authority			RIDDOR*			
Absconding			Police			Formal Statement			
Environment and Triggers:									
Describe what was happening prior to the incident and assess the level of potential risk (please circle):									
Level of Risk (please tick as appropriate):									
High		Medium		Low					
Tick and/or described precisely what the risk was:									
Verbal Abuse			Slap			Punch			

Bite		Pinch		Spit	
Kick		Hair Grab		Neck Grab	
Clothing Grab		Body Holds		Arm Grab	
Throwing Objects		Weapon		Other	
Other:					

* Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR)

Physical Intervention

Reminder to staff of **DOs and DON'Ts**

DO

- Know the procedures within the school's guidelines for the use of physical intervention. A copy of these is available from the Designated Senior Teacher.
- Discuss the procedures with a senior member of staff if you are unsure of any point.
- Send for adult help early if things begin to get out of hand and physical intervention seems likely.
- Assess the situation calmly before acting.
- Use minimum restraint for minimum time.
- Report the incident to the Headteacher or Designated Senior Teacher as soon as possible and complete an incident report.

DO NOT

- Place yourself at risk by attempting to intervene physically with a child or young person who is obviously carrying a weapon.
- Attempt to restrain a child or young person when you have lost your temper.
- Use excessive force.
- Place yourself at risk of false allegation, i.e. avoid being alone with a child or young person if possible.