



# The Wilnecote School

## Title of Policy: Physical Intervention and Restraint Policy

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## Contents

1. Introduction .....	3
2. The Legal Framework .....	3
3. Our Approach.....	3
4. Our Principles .....	4
□ Compliance with the Law.....	4
□ Prevention, Risk Analysis and Management Strategy .....	5
□ “De-escalation” .....	6
□ Appropriate Use of Force .....	6
□ Post Incident Management.....	7
□ Complaints and Allegations.....	8
□ Staff Training.....	8
□ Physical Contact in Other Circumstances.....	9
□ Overview and Monitoring .....	9
5. Appendix - Further Reading and Guidance.....	10

## 1. Introduction

Students at The Wilnecote School are encouraged to choose positive behaviors. But occasionally, students do make poor decisions. Rarely, this can lead to a circumstance where staff members need to physically intervene. The Physical intervention policy is based upon on the following principles:

1. Physical intervention should be used only as a last resort when other appropriate strategies have failed.
2. The least amount of physical touch necessary should be made.
3. When using physical intervention, care must be taken to ensure everyone's safety and dignity.
4. Situations need to be documented and reported to the ??
5. Every incident will be reported to the parents.

All staff and volunteers that work with children and young people have a duty of care to keep children, young people, colleagues and themselves safe. All staff and volunteers should therefore be aware of this policy and know how to use physical intervention safely and when it is appropriate to do so.

## 2. The Legal Framework

Section 93 of the Education & Inspections Act 2006 allows 'teachers and other persons who are authorised by the Head Teacher who have control or charge of pupils to use such force as is reasonable in all the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

1. causing injury to his/herself or others
2. committing an offence
3. damaging property
4. prejudicing the maintenance of good order & discipline

This policy has been written with DFE 'Use of reasonable force' advice for headteachers, staff and governing bodies July 2013 (appendix 2).

## 3. Our Approach

In order to keep students, families and staff safe, there may be occasional circumstances when children's behaviour is so challenging that there is no alternative other than to use force. However, the use of force in managing challenging behaviour should only be used when necessary, should be reasonable and proportionate and should always be in the best interests of children and young people.

Behaviour is always about communication. Seeking to understand what any behaviour is about is the first step in choosing an effective response.

Professionals should seek to utilise a full range of strategies for positive and proactive responses to student behaviour in order to promote and teach appropriate and socially acceptable ways of communicating. Professionals should utilise strategies to diffuse and de-escalate challenging situations as a matter of course before any physical intervention takes place.

The purpose of this document:

- To provide a set of unifying principles governing the use of force, physical intervention and restraint by all staff who come into contact with children and young people who exhibit challenging behaviour, aggression or violence that could jeopardise their own or another's safety.
- To ensure consistency of approach by sharing this policy with all employees and other stakeholders, including parents/carers, students and the Governing Body.

#### 4. Our Principles

1. Compliance with the Law
2. Prevention, Risk Analysis and Management Strategy
3. Disability and Special Needs
4. "De-escalation"
5. Appropriate Use of Force
6. Post Incident Management
7. Complaints and Allegations
8. Staff Training
9. Physical Contact in Other Circumstances
10. Overview and Monitoring

##### ❖ Compliance with the Law

All employees and volunteers are required to work within the law and in accordance with statutory guidance. Relevant legislation and guidance is listed at Appendix 1. Assessments of what is reasonable and when it is reasonable to use force are matters of judgment and depend upon the precise circumstances of individual cases. There is no legal definition. This underlines the need for this policy and for staff training to ensure awareness of the following legal dimensions:

- To be judged lawful, the force used would need to be proportionate to the consequences it is intended to prevent;
- The degree of force used should be the minimum required to achieve the desired result;
- Key legal words to be noted are 'reasonable', 'proportionate' and 'necessary'. Any action taken should always be in the best interests of the child.
- The duty of care that applies to all those working with children means that "doing nothing" may be construed as "negligence" in terms of this duty.

- This school therefore does not have a ‘no touch’ policy.

#### ❖ Prevention, Risk Analysis and Management Strategy

Prevention of injury, violence or aggression is our primary aim, thus avoiding the need to use any force, wherever possible. The majority of incidents of violence and aggression are triggered (usually unwittingly) by the behaviour of others. Stressing to staff the importance of recognition and awareness of behaviours or circumstances which can trigger or indicate a heightened risk of challenging behaviour, violence and aggression is a key component of the school’s procedures.

These aspects are addressed in staff training, with the aim of enabling staff to recognise that challenging behaviours are often foreseeable and developing skills associated with positive behaviour management and managing conflict. Further information, including strategies to help limit potential conflict can be found in our Behaviour and Discipline Policy.

Risk assessments, risk management plans and/or individual behaviour plans are set in place in circumstances where a heightened risk of challenging behaviour, violence and aggression has been identified in respect of a particular child or young person.

#### ❖ Disability and Special Needs

In cases involving students who have special needs, risk assessments are undertaken to address any specific issues concerning the student and any foreseeable issues that may arise and are likely to warrant the use of force to restrain them.

This approach may include the creation of behaviour management plans. An example where this may be necessary is where a child whose Special Education Needs and/or disability (whether a physical or learning disability) are associated with extreme behaviour. An individual risk assessment and behaviour management plan may be necessary for children and young people whose Special Education Needs and/or disabilities are associated with:

- Communication impairments that make them less responsive to verbal communication;
- Physical disabilities and/or sensory impairments;
- Conditions that make them fragile, such as haemophilia, brittle bone syndrome or epilepsy;
- Dependence on equipment such as wheelchairs, breathing or feeding tubes;
- Social, emotional and mental health needs.

Those involved in the care and management of these children should ensure they are as well informed as possible about the student’s behavioural characteristics or patterns stemming from their special needs or disability; and make use of the

knowledge and insight that the student, their parents and other relevant professionals can provide.

Any risk assessments should take into account the skills and abilities required of staff in dealing with the student and address any training required. This is relevant in terms of ensuring that suitably qualified and trained staff are available to deal with the student and that the staff member is prepared to deal with the situation; thus meeting the school's duty of care in respect of both the student and the employee. A risk assessment should incorporate a risk reduction plan and those should be shared with all involved in supporting the student concerned, including parents/carers.

#### ❖ “De-escalation”

The school emphasises the importance of using de-escalation strategies as a first-line strategy, whenever there is a threat of violence or aggression towards an individual or property. Training on how to use these de-escalation strategies is provided for all newly qualified and newly appointed teachers during their induction. Non-teaching staff who are also working with students in a classroom-based context such as Teaching Assistants and ICT technicians also receive training during their induction programme, as do lunchtime supervisors.

Communicating calmly with children, using non-threatening verbal and body language and helping them to see a way out of a situation are examples of this approach. Helping children to recognise their own ‘triggers’ and ‘early warning signs are important components of a de-escalation strategy developed in respect of a particular child.

#### ❖ Appropriate Use of Force

Having emphasised the importance of attempting to de-escalate situations, staff have clear guidance on the types of force and techniques that may be used to intervene physically or to restrain children and young people as detailed below.

#### **Definitions:**

**Restrictive Physical Intervention** - The use of force to control a person's behaviour. It involves the use of force to: restrict movement, restrict mobility, disengage from dangerous or harmful physical contact.

**Time Out** - The restriction of positive reinforcement as part of a planned behavioural programme. This strategy provides a cooling off period for a student. Its use must be as part of an agreed written plan.

**Withdrawal** - This is where an individual is removed from a situation but supervised and supported until they are ready to resume normal/routine activities.

Physical restraint should never be used as a method of punishment or to cause pain or distress to a student. Its purpose is to prevent the student causing injury to themselves or others. The decision to intervene using physical restraint should be a professional judgment, taken calmly and in full knowledge of the desired outcome. Consideration of the risks of employing an intervention will be balanced against the risks of not doing so. Though ideally a last resort, it should not be an act of desperation but a conscious decision to act in the best interests of the child in question and other children who may be affected. No student should ever be held around the throat. Additionally, restraint should not place any restriction around the throat due to clothing, lanyards etc. The dangers of positional asphyxia, which can result in the compromise of an individual's breathing must be considered at all times.

In extreme circumstances, where there is a high and immediate risk of death or serious injury, such as a student threatening to hit someone with a dangerous object or running out into a busy road, a member of staff would be justified in taking any necessary action to prevent harm to the student, other students, other members of the public or staff. However, even in those more extreme circumstances, the principle of minimum force to achieve the desired result should be applied.

Every effort should be made by staff to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances, such as preventing a child from running off a pavement onto a busy road, it may not always be possible to avoid injuring a child. Staff should always avoid touching or restraining a child in a way that could be interpreted as sexually inappropriate conduct.

#### ❖ Post Incident Management

The first consideration needs to be whether medical attention is required for the child or anyone else involved. If necessary, first aid procedures are followed. In the event of a serious incident, the Head of Year/Pastoral Year Officer of the student would liaise with the Strategic Leadership Team link to assess the significance of the incident and its implications and to plan an appropriate course of action.

A full record of every significant incident in which force has been used should be recorded by the Head of Year/Pastoral Year Officer and parents or carers should be informed as soon as possible following the incident and in all circumstances, before the end of the day. The purpose of recording is to ensure that parents are informed, to prevent misunderstanding or misinterpretation of the incident, to inform future planning as part of school improvement processes and to provide a record for any future enquiry.

Where a recordable incident concerns a child who is looked after, the placing/home Local Authority must also be notified in writing as soon as possible after the incident and the carer informed on the day.

Such recorded information is essential in helping to initiate or update the risk assessment concerning the student and to determine whether changes need to be made to their individual plan. There will be a need for post incident debriefing for staff and an incident review led by designated staff within set timescales. Time and space will also be needed to talk through the incident with the child or young person to hear their perception and understanding of the incident and to identify any post incident support which may be necessary.

All staff should be aware that any restraint is a restriction of liberty and an invasion of personal space which may have a lasting impact on the well-being of the student. Consideration needs to be given as to who is best placed to undertake any follow-up work, if required. There may be a need to involve services provided by external agencies.

Support for others witnessing or otherwise involved in the incident is available. This may involve giving the child who has been restrained the opportunity to recognise and help repair the damage or harm that has resulted from their behaviour and enable them to develop their emotional and social skills. In line with school procedures, an accident form should be completed, if required, by any individual injured during restraint. This includes meeting statutory reporting requirements for relevant incidents that fall under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR).

#### ❖ Complaints and Allegations

Students and parents have the right to complain about actions taken by staff. This might include the use of force. The school's Complaints Procedure enables such allegations to be fully addressed and the Physical Intervention and Restraint Policy is available for parents and students to scrutinise as part of that process. The school's Whistleblowing Policy is also available and familiar to staff, and parents/carers.

Any complaints or allegations would be dealt with in line with the school's complaints procedure. Allegations of a safeguarding nature against any individual who works or volunteers with children should be referred to the Designated Officer (DO) within one working day, as stipulated in 'Working Together to Safeguard Children' 2016.

#### ❖ Staff Training

Frontline staff identified as requiring training are appropriately trained and regularly updated not only in the safe and effective use of the type of force sanctioned by the school but also in all other aspects of behaviour management, physical intervention and restraint, including positive reinforcement of appropriate behaviour, prevention, de-escalation and post incident management.



The training of staff makes clear the dangers of positional asphyxia, which can result in the compromise of an individual's breathing.

#### ❖ Physical Contact in Other Circumstances

As a school we recognise that there may be some students for whom touching of any description is particularly unwelcome. Some children may be particularly sensitive to physical contact because of their cultural background or because they have been abused.

Experiences of abuse may be an important factor behind their demonstration of challenging, violent and aggressive behaviour. It is important that staff who may come into contact with such students have the relevant information they need in order to respond as sensitively as possible.

In addition, when identified, the school will develop a clear and consistent practice towards those individuals, which is understood and implemented by all members of staff. Staff should take particular care when undertaking physical contact with children and young people of the opposite gender. Physical contact with children and young people becomes increasingly open to question as they go through adolescence. Staff are encouraged to bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

#### ❖ Overview and Monitoring

The Wilnecote School monitors incidents of violence and aggression and the use of restraint. Where necessary, the school will commission reviews and investigations into incidents of physical intervention and restraint. All incidents of physical intervention are reported to the board of governors, which has a responsibility to monitor policy and practice.

## 5. Appendix - Further Reading and Guidance

- ‘Use of Reasonable Force’ - Advice for headteachers, staff and governing bodies. (DfE July 2013)
- ‘Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties’. (DfE September 2003)
- Code of Practice for the use and reduction of restrictive physical interventions, third edition. (BILD 2010)
- Education and Inspection Act 2006 (section 93) - sets out teachers’ statutory powers of discipline and restraint and gives all members of school staff a legal power to use reasonable force, highlighting that they do not need specific authorisation to do so.
- Education Act 1996 (Appendix 1) - sets out a general power, enabling head teachers to authorise staff to use such force as is reasonable, given the circumstances, to conduct a search for prohibited items.
- Letter to Chief Education Officers dated 24/4/01 - describes procedures and systems for recording incidents.
- ‘Behaviour and Discipline in Schools’ - sets out the use of reasonable force, behaviour and discipline in schools. Provides power to use reasonable force to prevent pupils committing an offence, injury to themselves or others, damaging property and maintaining good order and discipline in the classroom; and when conducting a search without consent for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm (DfE February 2014).
- Health and Safety at Work Act 1974 - sets out responsibilities of employers to take reasonable steps to ensure the health, safety and welfare of employees and others such as children and young people, who are affected by their undertakings/activities.