

Physical Intervention and Restraint Policy

June 2019



Oxenhope Church of England
Primary School

Definition

The Education Act, 1997, added a section to the 1996 Act to clarify when teachers may use physical force to restrain a pupil. Restraint occurs when a member of staff uses physical force intentionally to restrict a pupil's movement against his or her will. It is to be used only in exceptional circumstances. There is no legal definition of "reasonable force", so it is not possible to set out comprehensively when it is reasonable to use force; or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.

It is good policy that physical restraint is used only:

- Rarely
- As a last resort
- Where another course of action would be likely to fail
- When staff have good grounds for believing that immediate action is necessary

Physical Restraint must not be used to:

- Punish
- Gain pupil compliance with staff instructions
- Cause or threaten hurt
- Oppress, threaten, intimidate or bully

Authorisation of Control

The Head teacher will identify people, other than teachers, whom they wish to authorise to have control or charge of pupils and therefore be able to use force if necessary. Authorisation may be on a permanent or long term basis because of the nature of the person's job, or short term for a specific event, such as a school trip.

When might students be restrained?

The main reason for the use of restraint is to keep people safe. Restraint is unlikely to be appropriate in the case of some older students and it may also increase the risk of injury to both staff and pupils. The main grounds for restraint (Criminal Law Act, 1967; The Children Act 1989) are:

- Committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility).
- Injuring themselves or others.
- Causing damage to property (including the pupil's own property).

- Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

A pupil absconding from school should not be restrained unless there is evidence that he or she is at serious risk. Members of staff are not obliged to restrain a pupil if it is against their better judgement. It may be more appropriate to summon help.

When it is known in advance that restraint may be necessary, an individual strategy should be devised following consultation with parents and medical advice. Where it is known that a pupil is particularly sensitive about physical contact, staff will be informed in advance through the Special Needs Register.

The police should be called if there is a threat of violence which cannot be contained. All telephones in school accept outgoing 999 calls. However, unless circumstances are extreme, a senior member of staff should be contacted so that a decision can be taken at that level.

Who may restrain students?

Everyone has a right to use reasonable force to prevent an attack against themselves or others, whether they are formally authorised or not. At, Oxenhope Church of England Primary School only adults employed by the school may use physical restraint.

How should students be restrained?

Restraint must be reasonable and in proportion to the circumstances. Warning of intended restraint should be given, when practicable, in a non-threatening manner. Restraint should never be used as a substitute for normal disciplinary measures. Normal disciplinary measures do not include physical contact. Restraint, however, might involve holding, separating, pushing or pulling individuals; it should not involve the more restrictive or percussive forms of force.

Forms of Control Explained

At, Oxenhope Church of England Primary School we use the TEAM TEACH method for restraint.

About Team-Teach

Our aim: through the promotion of de-escalation strategies and the reduction of risk and restraint, to support teaching, learning and caring, by increasing staff confidence and competence, in responding to behaviours that challenge, whilst promoting and protecting positive relationships. Positive Behavioural Support (PBS) approaches are entirely compatible with Team-Teach.

Team Teach continually emphasises positive relationships as being the key element in our working. The physical techniques can help to protect and maintain these relationships. "If you treat an individual as he is, he will remain as he is, if you treat him as if he were what he ought to be, he will become what he ought to be and what he could be" (Goethe 1749-1832)

The physical techniques have sufficient range and robustness to be appropriate across the age and development range, for both the intentional and non-intentional "challenging" individual.

The physical techniques provide a gradual, graded system of response commensurate with the situation, task and individuals involved, allowing for phasing up or down as dictated to by the circumstances at the time. The use of force must be reasonable, proportionate and necessary.

There is an emphasis on appropriate and targeted verbal and non-verbal communication. Paraverbal skills matter at all times, during a restraint however, it is what you communicate / say and how you communicate / say it that is important.

The aim is for the person to calm down sufficiently so that staff can return the physical control and help find a better way.

A calm approach with staff using (Communication, Awareness /Assessment Listening/Looking and Making Safe skills) is expected at all times when managing such situations.

Staff are encouraged to make a risk assessment, both before, during and after any serious incident involving positive handling. Running parallel with this risk assessment is the "duty of care" question they have both to the service user and themselves.

Team Teach has been actively involved with consultation by government departments looking at "good practice" principles in this area complies with the Human Rights Act.

Team Teach acknowledges that no single technique is fool proof. All incidents and situations carry an element of risk. The physical techniques in Team Teach seek to minimise risk whilst providing a caring and considered response.

If "authorised adults" are to acquire confidence and competence, there will be a need for distilled number of techniques to be selected, relevant to the setting concerned, to be refreshed and practiced on a "regular" basis.

Guides, escorts and restraints:

These provide a graded and gradual response aimed at intervening with the appropriate amount of reasonable force. Restraints where 2 people are used will be deemed as a more restrictive hold. As the level of physical intervention increases so does the risk of injury to all concerned; staff need to make a risk assessment based on the situation as to the level at which they are going to intervene.

Techniques for one person.

1 Person Standing / Walking

Acceptable touching

Guiding away (two elbow)

Friendly Hold

Single Elbow

Wrap

Double Elbow

Shield

Wrap to Cradle

Techniques for two people.

Single Elbow (stationary hold, not to be used to move pupils)

Figure of Four (stationary hold, not to be used to move pupils)

Double Elbow – This can be used to move pupils but every effort should be made to allow the pupil to sit in an appropriate chair.

NB. Ground Recovery holds are the most restrictive and carry the highest risk. Therefore staff not taught floor holds. Exceptions may occur if the child is already on the floor when a Physical Intervention has begun.

What is Unacceptable and Could Lead to Litigation

Whilst it is understood that the circumstances in which physical intervention by employees/volunteers may occur are diverse and fairly complex, Cumbria Children's Services would be reluctant to offer significant assistance to employees/volunteers where it has been established that they have behaved in an unacceptable manner towards pupil in their care. This would not stand the test of 'reasonableness' in law.

The following are some examples of what would normally be deemed unacceptable behaviour by employees/volunteers.

- Slapping/striking/kicking a pupil;
- Forcing a pupil's arm behind back;
- Twisting or forcing limbs against a joint;
- Tripping up a pupil;
- Pinning pupils against floor, walls or furniture;
- Sitting on a pupil;
- Causing deliberate injury to a pupil;
- Exerting excessive pressure on to part of a pupil's body;
- Locking pupils in rooms or cupboards;
- Holding or pulling a pupil by the hair or ear;
- Use of sexually inappropriate language;
- Engaging in, or encouraging, sexually inappropriate behaviours;

Emergency Interventions:

Emergency Interventions will involve staff employing, where necessary, one or a combination of the strategies mentioned in the previous section in response to an incident. This will occur when all other strategies have been exhausted or the incident requires a rapid physical response.

Oxenhope Church of England Primary School makes Risk Assessments where it is known that force is more likely to be necessary to restrain a particular pupil.

Planned Interventions and Positive Handling Plans

Planned interventions involve staff employing, where necessary, one or a combination of the strategies mentioned in the previous section as an agreed response to an identified behaviour. This will be documented in a Positive

Handling Plan. (*see appendix 1*) The Positive Handling Plan will list the accepted strategies to be used. These strategies will include both de-escalation methods and Physical Intervention techniques. The plan will also detail any responses which for whatever reason would be inappropriate. These plans will be written jointly by the class teacher and a Team Teach trainer.

Positive Handling Plans will not be needed for all pupils. Pupils may demonstrate certain behaviours which are causing concern and it is these behaviours which are targeted. Pupils may behave in a manner other than that identified on the Positive Handling Plan and in such circumstances Emergency Interventions would need to be undertaken.

Positive Handling Plans for all pupils are circulated to all Team Teach trained staff by e-mail.

Reducing the likelihood of situations arising where use of force may be required.

The 'Use of Force' guidance states that 'Although preventative measures will not always work, there are a number of steps which schools can take to help reduce the likelihood of situations arising where the power to use force may need to be exercised'.

At Oxenhope Church of England Primary School the use of strategies designed to deal with situations in a non-physical manner are at the forefront of all pupil management.

This can be evidenced by:

- a) the work undertaken as part of the Team Teach training and on-going re-training, which focuses on the 95% use of non-physical pupil management methods.
- b) the Behaviour and Discipline Policy, which outlines the schools use of positive pupil management, interaction and de-escalation techniques. It also takes into account the extensive work the school has undertaken with regard to the work of 'Bill Rodgers', and his positive behavioural management techniques.

Reporting and Monitoring of Incidents (*see appendix 2*)

Reporting and monitoring is of paramount importance for the following reasons:

- Protection for staff and pupils
- Keeps a record of number of incidents so times / areas that most incidents occur can be tracked.

When a physical intervention has taken place (other than 'acceptable touching' and 'friendly hold') a physical intervention form will be completed, detailing:

- Date and time of intervention,
- Name of child,
- Pupils class and year group,
- Place of intervention,
- Name of staff involved,
- Names of witnesses,
- Reasons for intervention,
- Description of lead up to intervention,
- De-escalation techniques used,
- Details of the incident,
- Forms of physical intervention,
- Details if pupil was injured during intervention and medical treatment given,
- Follow up action taken,
- Document is signed by the member of staff who carried out the physical intervention.

Parents/carers are contacted on the day of the incident if possible, and a letter is sent home or a telephone call is made as soon as possible to the parent / carer.

This document is then passed to the Headteacher who files it.

The nominated governor for Child Protection examines the incidents on a termly basis and reports to the full governing body three times a year. Governors also have the opportunity to attend initial and refresher training as observers.

Physical contact and care including intimate care

The Education Act 2002 imposes clear duties to provide acceptable levels of care and to protect children and young people from all reasonably foreseeable risk of harm or injury. Duty of Care refers to the responsibility of those staff members, employed within a position of trust, to provide pupils with adequate levels of protection against harm and to safeguard their welfare at all times. What constitutes "reasonable and acceptable care" in any given case will be determined objectively by the court and will depend upon the circumstances of each case. The standard of care expected from schools is understandably very high.

There are occasions when it is entirely appropriate and proper for employees to have physical contact with pupils, but it is crucial that they only do so in ways appropriate to their professional role and in relation to the pupil's individual needs and any agreed care plan. When physical contact is made with

pupils this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity, culture and background. Employees must use their professional judgement at all times. It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one pupil in one set of circumstances may be inappropriate in another, or with a different pupil.

- a. Physical contact should never be secretive or casual, or for the gratification of the Adult, or represent a misuse of authority. Adults should never touch a pupil in a way which may be considered indecent. If an Adult believes that an action could be misinterpreted, the incident and circumstances should be reported as soon as possible to the manager and recorded in the School's incident book, and, if appropriate, a copy placed on the pupil's file.
- b. Physical contact, which occurs regularly with a pupil or pupils, is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to pupils with SEN or physical disabilities). Any such contact should be the subject of an agreed and open school policy and subject to review. Where feasible, staff should seek the pupil's permission before initiating contact. Adults should listen, observe and take note of the pupil's reaction or feelings and – so far as is possible - use a level of contact which is acceptable to the pupil for the minimum time necessary.
- c. There may be occasions when a distressed pupil needs comfort and reassurance. This may include age-appropriate physical contact. Adults should remain self-aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation. Adults should always tell a colleague when and how they offered comfort to a distressed pupil.
- d. Where an Adult has a particular concern about the need to provide this type of care and reassurance s/he should seek further advice from a senior manager.
- e. Some employees, for example, those who teach PE and games, or who provide music tuition will on occasions have to initiate physical contact with pupils in order to support a pupil so they can perform a task safely, to demonstrate the use of a particular piece of equipment/instrument or assist them with an exercise. This should be done with the pupil's agreement. Contact under these circumstances should be for the minimum time necessary to complete the activity and take place in a safe and open environment. Adults should remain sensitive to any discomfort expressed verbally or non-verbally by the pupil.
- f. All parties should clearly understand from the outset what physical contact is necessary and appropriate in undertaking specific activities. Keeping parents/carers informed of the extent and nature of any physical contact may also prevent allegations of misconduct arising. Any incidents of physical contact that cause concern or fall outside of these protocols and guidance should be reported to the senior manager and parent/carer.
- g. Pupils are entitled to respect and privacy when changing clothes or taking a shower. However, there needs to be an appropriate level of supervision in order to safeguard pupils, satisfy health and safety considerations and ensure that bullying or teasing does not occur. This supervision should be appropriate to the needs and age of the pupils concerned and sensitive to the potential for embarrassment. Adults who are required as part of their role to attend changing

rooms should announce their intention of entering any pupil changing rooms and only remain in the room where the pupil/s needs require this.

- h. Employees with a job description which includes intimate care duties will have appropriate training and written guidance including a written care plan for any pupil who could be expected to require intimate care. Staff should adhere to the School's intimate and personal care [and nappy changing] policies. No other Adult should be involved in intimate care duties except in an emergency. A signed record should be kept of all intimate and personal care tasks undertaken and, where these have been carried out in another room, include times left and returned. Employees should not assist with personal or intimate care tasks which the pupil is able to undertake independently.

Complaints

A clear physical intervention policy, adhered to by all staff and shared with parents, should help to avoid complaints from parents. It is unlikely to prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or by the Police and social services department under child protection procedures.

It is our intention to inform all staff, pupils, parents and governors about these procedures and the context in which they apply.

Written by Alice Jones June 2019

Review date – June 2021

Appendix 1

Positive Handling Plan

Name of child		Class	
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Date		Year Group	

Description of behaviour / behaviours which may result in physical intervention

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De-escalation Techniques which may to be most effective prior to physical intervention					
Verbal Advice & Support		Humour		Distraction	
Reassurance		Options Offered		Step Away	
Calm Talking		Time Out Offered		Time Out Directed	

Non-threatening Body Language	Other (please specify)
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+ It may be necessary to use head restraint due to biting and spitting

Forms of physical intervention to be used as a last resort.					
Guided away (two elbow)		Single elbow(one person)		Double elbow(one person)	
Figure of four hold		Single elbow(two people)		Double elbow(two people)	
Wrap		Wrap to Cradle		Shield	

Forms of physical intervention which must not be used. Reason for these physical interventions not to be used.				
Guided away (two elbow)		Single elbow(one person)		Double elbow(one person)
Figure of four hold		Single elbow(two people)		Double elbow(two people)
Wrap		Wrap to Cradle		Shield

Signed _____

Position _____

Signed _____

Position _____

Signed parents/carers _____

Date _____

Appendix 2

RECORD OF RESTRAINT

Date of incident:

Time of incident:

Pupil Name:

D.o.B:

Member(s) of staff involved:

Adult witnesses to restraint:

Pupil witnesses to restraint:

Outline of event leading to restraint:

Outline of incident of restraint (including restraint method used):

Description of any injury sustained and any subsequent treatment:

Date /time parent/carer informed of

incident: By whom informed:

Outline of parent/carer response:

Signatures of staff completing report:

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Brief description of any subsequent inquiry/complaint or action:

