



Burrough Green CE Primary School Policy for Physical Intervention

Introduction

This policy is based on the document **Cambridgeshire Policy and Guidance on the Effective Management of Behaviour** Including Restorative Approaches and Appropriate use of Physical Intervention (2013)

Purpose of Policy:

- To enable the school to exercise their duty of care to children and staff and have regard to the legislation regarding behaviour management approaches, particularly those practices relating to the Use of Force, and Restrictive Physical Intervention strategies.
- To provide a set of unifying principles governing the use of physical intervention and restraint by staff coming into contact with children and young people who exhibit challenging behaviour, aggression or violence, that could jeopardise their own or another's safety.

POLICY

1. Key Elements

1.1 Burrough Green CE Primary School believes in providing safe, secure environment in which children and young people feel cared for and in which staff feel effectively supported.

1.2 It is essential to recognise that behaviour is a form of communication; practitioners have to look beyond the behaviour and analyse its function. A common principle in behaviour management is looking for the message an individual is communicating through their behaviour: 'All behaviour has meaning'. This means that presenting behaviours may need to be interpreted with care and with consideration to underlying issues such as pain or distress. This is particularly the case with young people with special needs but all children demonstrate their feelings through their behaviour.

1.3 The majority of children demonstrate behaviour that is both appropriate and good. However, there are a minority of children who exhibit challenging behaviour. Challenging behaviour is defined as "culturally abnormal behaviour(s) of such intensity, frequency or duration that the physical safety of the person or others is placed in serious jeopardy, or behaviour which is likely to seriously limit or deny access to the use of ordinary community facilities" (Emerson, E, 2001). Common types of challenging behaviour include self-injurious behaviour, aggressive behaviour, inappropriate sexualised behaviour, behaviour directed at property and stereotyped behaviours.

1.4 Burrough Green CE Primary School encourages the use of de-escalation methods to manage behaviour and restore and maintain relationships. Social and Emotional Aspects of Learning (SEAL) are promoted as part of the Cambridgeshire PSHE curriculum, as this supports the development of social and emotional skills associated with self-awareness, managing feelings, motivation, empathy and social skills. These skills also underpin effective learning, positive behaviour, regular attendance, staff effectiveness as well as the emotional health and wellbeing of all who learn and work in the school. In the Early Years, the Early Years Foundation Stage (EYFS) focuses on the development of children in the three prime areas including Personal, Social and Emotional Development, which includes child development, in the management of behaviour and feelings. The understanding of each child's development and promotion of their social and emotional development is key to positive approaches to behaviour in the early years.

1.5 This document recognises that there is occasionally a requirement for the use of restrictive physical intervention to prevent injury or harm to a child, young person or an adult. This should be **as a last resort** when non-physical interventions have failed or when a person is at significant risk. This document describes circumstances in which physical intervention might be necessary. In these circumstances it must be an act of care and protection; of taking control for the safety of all, and not as a form of punishment.

1.6 Within our positive behaviour policy, we recognise the need for a positive and safe environment in which children can develop and learn, with strategies to prevent situations from escalating. The policy includes plans for the positive management of behaviour which includes the use of de-escalation techniques to promote positive behaviour, rewards and careful use of sanctions.

1.7 Consistency in approach to behaviour management is important, both to provide the most effective support for children and to reduce the possibility of confusion or disagreement between the school and parents.

1.8 Our values, ethos, positive behaviour policy and safeguarding policy establish clear behavioural expectations for children, as well as provide real opportunities for them to have their voices heard and their views regarding behaviour issues taken seriously by adults.

1.9 Children, and adults working with them, have a right to be treated with respect, care and dignity. This is especially the case when they are presenting risk or behaving in ways that may be harmful to themselves or others and as a result require physical intervention from staff. Use of this document will help staff to act appropriately and in a safe manner, so ensuring effective responses in situations, especially where there may be physical challenge.

2. Compliance with the Law on Behaviour and the Use of Physical Intervention and Force

2.1 This policy does not seek to provide a full legal summary nor to offer advice for the context in which any incident might occur. However it is important to recognise that the use of restrictive physical interventions needs to be consistent with the Human Rights Act (1998) and the United Nations Convention on the Rights of the Child (ratified 1991). These are based on the assumption that every child and young person is entitled to:

- respect for his or her private life
- the right not to be subjected to inhuman or degrading treatment
- the right to liberty and security
- the right not to be discriminated against in his/her enjoyment of those rights.

2.2 Restrictive physical interventions need to be child or young person specific, integrated with other less intrusive approaches, and clearly part of an education or placement plan approach to reduce risk when needed. They must not become a standard way of managing children and young people, or as a substitute for training in people related skills.

2.3 Physical intervention must not to be used simply to maintain or bolster good order in the classroom or other environment. It is expected that its use will be rare, in exceptional circumstances when a particular need arises. It should **never** become habitual or routine.

2.4 The Statutory Framework for the EYFS states that physical intervention can only be used for the purposes of averting immediate danger of personal injury to any person (including the child) or to manage a child's behaviour if absolutely necessary.

2.5 In Cambridgeshire schools the term 'restrictive physical intervention' should be interpreted as describing direct safeguarding action. The term 'restrictive physical intervention' is defined by the DfES/DoH (2002) as being 'designed to prevent movement or mobility or to disengage from dangerous or harmful physical contact...' There are 4 main principles underpinning any physical intervention:

- Restrictive Physical Interventions should, wherever possible, be avoided.
- There are occasions when the use of such interventions would be appropriate.

- Such interventions should always be reasonable and proportional to the circumstances.
- When restrictive physical interventions are necessary, they should recognise the need to maintain the dignity of all concerned as well as always being intended to preserve their safety.

2.6 It is a criminal offence to use physical force, or to threaten to use force (for example, by raising a fist, or using verbal threat), unless the circumstances give rise to a 'lawful excuse' or justification for use of force. (DfES/DoH 2002)

2.7 Due notice should be given to the DfE publication *Use of Reasonable Force: Advice for headteachers, staff and governing bodies* 2012 (see below)

2.7.1 Key Points:

Schools can use reasonable force to:

- prevent a pupil at risk of harming themselves through physical outbursts;
- 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.

Schools cannot:

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

2.7.2 How do I know whether using a physical intervention is 'reasonable'?

The decision on whether to physically intervene is down to the professional judgement of the teacher [or staff member] concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result. School staff should expect the full backing of their senior leadership team when they have used force.

2.8 Whenever restrictive physical intervention is used it **must** be recorded by the setting so that a clear record is kept of the incident which can be shared as appropriate.

2.9 *Education and Inspections Act 2006*

2.9.1 **For schools**, Section 93 of the Education and Inspections Act 2006 (which replaces section 550A of the Education Act 1996) 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:

- (a) committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- (b) causing personal injury to, or damage to the property of, any person (including the pupil himself); or(c) 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.

2.9.2 The staff to which this power applies are defined in section 95 of the Act. They are:

- (a) any teacher who works at the school, and
- (b) any other person whom the head teacher has authorised to have control or charge of pupils.

This:

(i) includes support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors

(ii) can also include people to whom the head teacher 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)

(iii) does not include prefects.

2.9.3 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).

2.9.4 The Act stipulates that the head teacher may empower staff by reference to an individual pupil or staff member, or a group of pupils of a particular description, all pupils, or a group of staff of a particular description. There are no legal requirements as regards how staff or pupils should be notified of such a decision, this being a matter of common sense and professional judgement. Head teachers should, however, do this in writing for the sake of certainty – including reflecting as appropriate in staff members' contracts, and making this a part of the measures that the head teacher sets down in the school behaviour policy.

2.9.5 Corporal punishment – as defined in section 548 of the Education Act 1996 – is unlawful.

2.9.6 Use of restrictive physical intervention may give rise to an action in civil law for damages if it results in injury, including psychological trauma, to the person concerned. However, Cambridgeshire County Council expect that governing bodies will support staff who, having been appropriately trained in a restrictive physical intervention, follow this policy and act in a reasonable manner. See the Guidance section for examples of recognised training accredited by the British Institute of Learning Disabilities (BILD).

2.9.7 If a child acts in a way which is dangerous or harmful to him or herself or others, then Cambridgeshire County Council expects the member of staff dealing with the behaviour to react in a way consistent with the duty of care they have for that child. The use of force should only be applied if it is reasonable, proportionate and absolutely necessary. Following this incident, if it is considered that similar situations are likely to occur again then a risk assessment should be undertaken and appropriate training given to staff in restrictive physical intervention, if necessary.

2.10 *The Children Acts 1989/2006 and The Care Standards Act 2000: Use of Seclusion*

2.10.1 In accordance with The Children Acts 1989/2006, Cambridgeshire County Council does not endorse actions which restrict the liberty of a child or young person, including restricting a child or young person in a room or confining them against their will. Action which prevents a child from leaving a room or building of his or her own free may be deemed a 'restriction of liberty'. Under this Act, restriction of liberty of children by a local authority is only permissible in very specific circumstances – for example when a child is placed in secure accommodation approved by the Secretary of State or where a court order is in operation, or under the provisions of 2.7.1 above. It is an offence to lock a child in a room without a court order.

3. **Appropriate Use of Force and Physical Intervention**

3.1 The importance of attempting to de-escalate situations and avoid the use of force and restrictive physical intervention should be clear in all relevant setting policies.

3.2 It is important to recognise that positive or 'contingent' touch may be beneficial in some cases, for some children and young people, and that settings should not have a policy which seeks to avoid all physical contact between staff and children / young people. DFE *Use of Reasonable Force: Advice for head teachers, staff and governing bodies* (2012) states:

'It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.'

3.2.1 Examples of where touching a pupil might be proper or necessary:

- holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school
- when comforting a distressed pupil
- when a pupil is being congratulated or praised
- to demonstrate how to use a musical instrument
- to demonstrate exercises or techniques during PE lessons or sports coaching
- to give first aid.

3.3 As described in detail in the previous section, restrictive physical interventions may be used to achieve different outcomes such as:

- to break away from dangerous or harmful physical contact
- to separate the person from the events triggering risk and/or challenging behaviour
- to protect the child or young person.

3.4 Interventions may be

- **Proactive**, in which staff employ, where necessary, prearranged strategies and methods which are based upon a risk assessment and recorded in individual plans
- **Reactive**, which occur in response to unforeseen events.

3.5 The decision to intervene using physical restraint should be a professional judgement taken calmly and in full knowledge of the desired outcome. Though likely to be a last resort it should be an act of care, not punishment; a conscious decision to act in the child or other's best interest, and not an act of desperation.

3.6 Cambridgeshire County Council endorses only the use of behaviour management methodologies which are accredited by the British Institute of Learning Disabilities (BILD). Non accredited methodologies should not be used by settings. The school governors will monitor the use of such methodologies (see below).

Methodologies which have been used successfully in Cambridgeshire settings and should be considered for use are:

- Team Teach
- Proact-SCIPr-UK®

3.7 The Headteacher is responsible for ensuring that:

- there is a current policy in place for the setting
- there is opportunity to review the policy at least annually
- dynamic and robust risk assessments are in place
- all incidents of restrictive physical intervention are recorded and reported as required
- appropriate support and de-brief is available to children, young people and staff, and that they are aware of how to access the support available
 - parents and carers are kept informed of any risks or incidents requiring physical intervention or use of force.

3.8 Only the minimum restrictive physical intervention is used to prevent injury or to remove the risk of harm should it be applied and, if used, this should be accompanied by calmly letting the child/young person know what they need to do to remove the need for restrictive physical intervention. Staff should seek to recognise signs when a child

becomes calm whilst being held; they may physically feel it as this is part of the child's communication that they have calmed down.

3.9 As soon as it is safe to do so, the restrictive physical intervention should be gradually relaxed to allow the child or young person to gain self-control.

3.10 Wherever possible, restrictive physical interventions should be used in a way that is sensitive to, and respects the cultural expectations of children and staff and their attitudes towards physical contact. This should always form part of the dynamic risk assessment. See section 4 below.

3.11 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. Schools should refer to DFE ***Use of Reasonable Force: Advice for head teachers, staff and governing bodies*** (2012).

3.12 Whether it is reasonable to use force, and the degree of force that could reasonably be employed, will also depend on the age and understanding of the child or young person, as reasonable use is likely to vary greatly from a very young child to a young adult. It is also important to recognise that where a restraint might be considered reasonable in one instance it may not be in another.

3.13 Ultimately only a court may judge what is reasonable in terms of the amount of force used in physical restraint and obviously will do so retrospectively.

4. De-escalation, Prevention and Risk Management

4.1 The majority of incidents of violence and aggression are triggered by known sources (behaviour of others, particular locations, times of stress and uncertainty or challenge, loud noises etc). It is important however to understand that, for some children with complex communication and learning needs, it is not always possible to recognise triggers. The prevention or de-escalation of violent or aggressive behaviours should be a primary aim in order to manage the behaviour, therefore avoiding the use of force wherever possible.

4.2 Staff should be aware of the importance of recognising behaviours and situations that could trigger or heighten the risk of challenging behaviour, violence and aggression and seek to mitigate, avoid or remove them wherever possible. This should be embedded in staff training. They should also be aware of the individual plans and risk assessments around specific children.

4.3 At transition points, where a child moves between settings, particularly if that child has complex communication needs, the school should always let the new setting know, in detail, what these needs are. This could be in the form of a 'communication passport'. See for example

<http://www.scope.org.uk/help-and-information/publications/communication-passport>

4.4 A dynamic risk assessment should be used by staff whenever faced with a behavioural incident. Dynamic risk assessment is an active and continuous process by which the person observes the situation and takes into account the historical as well the current context of the behaviour before making a decision about how to act. This process of observation and review should be on-going, in order to take account of what is likely to be a rapidly changing situation.

4.5 All staff should employ de-escalation techniques as a first line strategy following a dynamic risk assessment, whenever there is a threat of violence or aggression towards an individual or property. Communicating calmly with the child or young person, using non-threatening verbal cues and understanding body language and physical proximity can all contribute to helping a child or young person to see a way out of a situation. Helping children and young people to recognise their own triggers is an important component of a "de-escalation" strategy developed in respect of a particular child or young person, which can lead to greater self-management skills being developed.

5. Disability, Special Needs and Emotional Wellbeing

5.1 Before using restrictive physical intervention staff must also take proper account of the particular special educational needs and disabilities that their children may have. Under the Disability Discrimination Act 1995

Governors have a duty to take reasonable steps to ensure disabled children are not placed at a substantial disadvantage in comparison with those who are not disabled, in their access to education and associated services (sometimes referred to as the duty to make *reasonable adjustments*). This duty should not mean over-compensation. The general principles underlying the school's policy should apply to all of its children.

5.2 Children who have a disability, special need and/or emotional health and well-being difficulties should have an individual, multi-agency plan and risk assessment around their needs and behaviour (if appropriate), addressing any wider issues or underlying difficulties. For example, an Early Help Assessment (EHA) or Education Health Care Plan (EHCP) should be used in order to assess and plan for such children and young people. Assessment and planning should be used alongside a Pastoral Support Plan (PSP) where appropriate. There should be clear planning for any intervention or specific support which is identified as being required. Any specific issues stemming from these needs will be identified to allow for planning for episodes of difficult or challenging behaviour. This will be particularly important for children whose SEN and/or disabilities are associated with:

- communication impairments that make them less responsive to verbal communication or unable to communicate their needs or feelings effectively;
- physical disabilities and/or sensory impairments;
- conditions that make them fragile, such as haemophilia, brittle bone disease or epilepsy;
- dependence on equipment such as wheelchairs, breathing or feeding tubes;
- severe learning difficulties.

5.3 Knowledge and insight about a child or young person that their parents and other professionals involved with the family can provide will be key to managing behaviour and preventing the need for physical intervention.

5.4 Any risk assessment (which should be part of the baseline for an individual behaviour plan) should take into account the skills and abilities required of staff in dealing with the child. Training needs must be addressed as required. This is relevant to ensure that suitably qualified and trained staff are available to deal with the child. Also to ensure that the staff member is prepared to deal with the situation; thus meeting the duty of care in respect of the individual and for the employee. At the very least advice should be sought from someone who knows the child or young person well, to ensure early signals are recognised, to allow staff to work preventatively and avoid escalation.

6. Post Incident Management

6.1 Following an incident where restrictive physical intervention or use of force has been used, all involved, including staff and children, should separately be given the opportunity to reflect on and discuss in detail what has happened and what effect this has had on them. This should only happen once the people involved have regained their composure, and should be done in a calm and safe environment. At no point should this process be used to apportion blame or dispense punishment. If at any point there is reason to suspect that someone involved has been injured or severely distressed, medical attention should be immediately sought.

6.2 Interviews should be conducted appropriately according to the age and developmental stage of the child. Alternative methods of debrief and of understanding the incident should be used for children for whom interviews are not appropriate e.g. very young children, some children with a learning disability. Examples of alternative methods include visual communication aids, e.g. symbols, pictures, photos, to help identify feelings and emotions.

6.3 It is *essential* that a full and systematic record of every restrictive physical intervention is kept. This helps ensure policy guidelines are followed correctly. It also gives a clear record that can be used to inform parents and to inform future planning as part of improvement processes. An accurate record also helps to prevent misunderstanding or misinterpretation of the incident, and to provide a record for any future enquiry. This should be done within a specific timescale. Further, this will enable accurate monitoring by the Local Authority and potentially the contractor who has trained staff in restrictive physical interventions. Burrough Green CE Primary School currently uses the Intervention Incident Record Form (Blue Book) to record all restrictive physical interventions.

6.4 Recording will be essential in helping to initiate or update the risk assessment concerning the child, and whether changes need to be made to their individual care plan if they have one.

6.5 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 child. Consideration needs to be given as to who is best placed to undertake this work. There may be a need to involve services provided by other partners.

6.6 Support for other children/staff witnessing or otherwise involved in the incident will need to be considered. 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. This can be done through restorative approaches or other reflective methods.

7. Complaints and Allegations

7.1 Children and their parents/carers have a right to complain about actions taken by staff. This includes the use of restrictive physical intervention.

7.2 Children and their representatives must have clear information about how to access the services of an advocate where available and appropriate.

7.3 A clear policy about restrictive physical intervention, that staff adhere to, should help to avoid complaints from a child using the service, their parents, other relatives or carers. However, it will not prevent all complaints and the possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action being brought cannot be ruled out. In any of these circumstances, it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in the circumstances.

7.4 If a specific allegation is made against a member of staff, the Local Authority Designated Officer (LADO) needs to be informed without delay. In addition any allegation must be reported to the relevant Education Advisor who will liaise with the LADO; if any other part of the council. The LADO will make any necessary contact with the police and will convene a complex strategy meeting, if required, to co-ordinate the investigation (see Cambridgeshire LSCB Safeguarding Procedures).

7.5 If a child or young person wishes to make a complaint, guidance can be found in section 9 of

DFE: *Use of reasonable force. Advice for head teachers, staff and governing bodies* (2012)

7.6 Other complaints should be dealt with under the normal complaints procedures. Attention should also be given to the DfE resource: *Dealing with Allegations of Abuse against Teachers and other Staff*: (2012)

8. Staff Training

8.1 Governors and the Headteacher are responsible for ensuring that staff receive training, including updates and refresher courses, appropriate to their role and responsibilities within their setting.

8.2 Training in restrictive physical intervention will be provided for staff working directly with pupils known to need such support from time to time. The nature and extent of the training will depend on the characteristics of those who may require a restrictive physical intervention, the behaviours they present and the responsibilities of the individual staff member.

8.3 There will be particular training needs for staff working closely with children and young people with SEN and/or disabilities. Risk assessments will help inform decisions about staff training. Parents may seek advice from the Parent Partnership Service.

(See: www.cambridgeshire.gov.uk/childrenandfamilies)

8.4 The school should ensure that they commission sufficient training that covers ways of avoiding or defusing situations in which restrictive physical intervention might become necessary as well as training in methods of restrictive physical intervention, as appropriate.

8.5 It is critical that temporary or agency staff expected to engage in planned restrictive physical intervention have received up-to-date training consistent with the nature of that received by employed staff. The Headteacher should proactively seek this information.

8.5 Staff should only use BILD accredited methods of restrictive physical intervention for which they have received training. Techniques should be closely matched to the characteristics of individual children and young people and reflected in the risk assessment.

9. Overview and Monitoring

9.1 Governors will need to monitor incidents of violence and aggression and the use of restraint. This can be done on a termly basis through the Headteacher's report. Governors will enquire about actions that have been taken to reduce the frequency and severity of incidents.

9.2 Control of risks associated with physical intervention, violence at work and behaviour management should be monitored by the Health and Well-Being Committee of governors, where applicable, and reported to the Local Authority where risks cannot be managed at the local level.

9.3 Monitoring should check that the procedures and systems that have been established are in practice and are effective. The Local Authority expects all maintained schools to adhere to the County policy on recording all incidents of restrictive physical intervention through the agreed recording system, currently using the Intervention Incident Record Form in the Blue Book.

9.4 There is also a requirement for all schools to report all incidents of restrictive physical intervention. This reporting will be the completed Intervention Incident Record Form to the Behaviour and Attendance Manager, who will copy it to the Local Safeguarding Children's Board, for statistical monitoring.

9.5 Any incidence of restrictive physical intervention that results in medical treatment for either a child or young person or a staff member must be reported to the Behaviour and Attendance Manager within a week. Any necessary health and safety forms must also be completed, including IRF(96) Incident Report Forms where appropriate.

This policy was reviewed on: 3.5.17 by the Governors Health and Well-Being Committee

Ratified on 3.5.17

Next review: Summer 2018.