



School Policy Document

Physical Intervention Policy

Date Adopted by Full Governing board: March 2019

Last reviewed on: March 2019

Next review due by: 30 April 2022

Objectives

Pinner Park Primary School endeavours to ensure that all children and staff are safe. The main objective of this policy is to ensure all staff, parents and pupils are aware of the procedures and practice that will be carried out to ensure that this is the case.

This policy has direct links with the school's Child Protection, Behaviour & Anti-Bullying Policies. It is intended to prevent serious breaches of school discipline and prevent injury to individuals or serious damage to property.

Legal Framework

School staff have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.

According to Section 93 of the Education and Inspections Act 2006 **reasonable force can be used in the following circumstances:**

- where a criminal offence is being committed
- self-defence or where pupils may injure themselves or others
- where the behaviour is prejudicial to maintaining good order and discipline at the school or among the pupils
- a risk of significant damage to property
- where the action occurs on the school premises or during an authorised activity off the premises
- when exercising the statutory power (sect 45 – Violent Crime Reduction Act 2006) to search pupils without their consent for weapons, alcohol, illegal drugs and stolen property.

Schools can use reasonable force to:

- 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 trip
- prevent a pupil leaving the classroom where allowing them 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 on the playground
- restrain a pupil at risk of harming themselves through physical outbursts

This list is not exhaustive but provides some examples of situations where reasonable force can be used.

It is always unlawful to use force as a punishment.

Reasonable Force

The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.

There is no statutory definition of 'reasonable force'. It depends on:-

- whether the force used is justified in the context in which the misbehaviour takes place.
- whether the force used is proportionate to the consequences it is intended to prevent.

Force is usually used either to control or restrain. 'Reasonable in the circumstances' means using no more force than is needed.

Schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.

Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances if a pupil appears to be unable to exercise self-control of emotions and/or behaviour. Restraint should be applied as an act of care and control with the intention of re-establishing verbal control as soon as possible and, at the same time, allowing the pupil to regain self-control.

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

Staff Authorised to Use Force

All staff the Headteacher has authorised to have control or charge of pupils automatically have the legal power to use force. Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.

Staff are aware that when they are in charge of children during the school day, or during other supervised activities, they are acting in loco parentis and should, therefore, take reasonable action to ensure pupils' safety and well-being. Failure to physically restrain a pupil who is subsequently injured or injures another, could, in certain circumstances, lead to an accusation of negligence. At the same time staff are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention.

Minimising the need to use Physical Intervention or Force

Use of physical intervention or force is only used as a last resort and procedures are in place to create a calm, orderly environment and supportive school climate that lessens the risk and threat of violence of any kind. Effective relationships are developed between staff and pupils, and Personal, Social and Health Education (PSHE) and Social and Emotional Aspects of Learning (SEAL) activities are used to support pupils in managing conflict and coping with feelings. Staff are also given guidance and training in how to manage pupil behaviour and are advised to use alternative strategies e.g. use of assertiveness skills such as:

- the 'broken record' in which an instruction is repeated until the pupil complies
- use of a distracter, such as a loud whistle, to interrupt the behaviour (such as a fight) long enough for other methods of verbal control to be effective
- withdrawal of attention (audience) e.g. if an action such as damage to property is threatened
- use of techniques designed to defuse the situation, such as the avoidance of confrontation, or use of humour (in these cases the incident can be dealt with later when emotions are no longer running high)
- the employment of other sanctions consistent with the School's Behaviour Policy

Deciding Whether to Use Force

The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

Staff should only use force when:

- the potential consequences of not intervening are sufficiently serious to justify considering use of force
- the chance of achieving the desired result by other means are low
- the risk associated with not using force outweighs those of using force

Staff in charge of pupils must ensure that clear guidance is given to volunteer helpers and outside agencies working with pupils who present particular risks to themselves or others, such as those with SEN or severe behavioural difficulties.

Using Force

At all times the degree of force used should be the minimum needed to achieve the desired result and it cannot be used to prevent trivial misbehaviour. The judgement on whether to use force and what force to use should always depend on the circumstances of each case.

Schools do not require parental consent to use force on a pupil.

If at all possible, prior to physical intervention, pupils should be warned that force may have to be used.

Physical Intervention can take a number of forms, for example:

- physically interposing between pupils
- standing in the way of a pupil
- holding, pushing or pulling
- leading a pupil away from an incident by the hand
- holding the tops of both arms or both hands
- sitting the child on your lap with a 'hug' to restrict movement and calm the child down (keep your chin away from the head)
- going for a walk so that the child is doing the holding – 'which finger will you hold?' – trying to negotiate
- taking shoes off if there is a chance someone will get kicked

Advice for Staff

- Try to de-escalate the situation
- Stay calm and keep repeating the request to calm down in a quiet voice.
- Use the school system to get call for additional staff support
- Get down to the child's level if possible – ensuring you are safe
- Remember physical restraint is a last resort and try to ensure another adult is available if the situation requires it
- Never get involved physically with a child when you are angry – hand over to someone else
- Force that should **NOT** be used includes holding round the neck, kicking, slapping or punching, forcing limbs against joints, tripping or holding by hair or ear, holding face down on the ground
- Any form of force or restraint that is likely to injure a pupil (particularly anything that could constrict breathing) should only be used in extreme emergencies and where there is no viable alternative

Pupils with SEN or Disabilities

The School acknowledges the legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEND).

The SENCO is directly involved in reviewing the needs and management programme of pupils with SEND and behavioural difficulties. Parental involvement is crucial to this.

Pupils experiencing difficulties will be given support and strategies to prevent situations and on how to cope when faced with times of crisis.

Risk Assessments

Where it is known that a pupil is likely to behave in a disruptive way that may require the use of reasonable force, plans will be put in place on ways to avoid, deflect or respond if the situation arises. Such planning will address:

- Management of the pupil (e.g. reactive strategies to de-escalate a conflict, holds to be used if necessary)
- Involvement of parents to ensure that they are clear about the specific action the school might need to take
- Briefing of staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance)
- Identification of additional support that can be summoned if appropriate

An individual risk assessment is drawn up where it is known that force is more likely to be used to restrain a particular pupil. This gives clear guidance on 'positive handling plans' and takes into account issues identified on a pupil's Education Health Care Plan or Behaviour Support Plan.

Staff coming into contact with such vulnerable pupils will be made aware of situations that may provoke difficult behaviour, preventative strategies and what de-escalation strategies are likely to work.

Parents are made aware that a risk assessment is in place for their child.

Staff Training

The school will decide whether a member of staff requires specialised training in the use of force/restraint. Local Authority (LA) advice can be sought in these circumstances.

Recording and Reporting Significant Incidents

The school has appropriate procedures in place for recording and reporting significant incidents where a member of staff has used force on a pupil.

An incident is significant and requires a written record when the answer is 'yes' to any of the following questions:-

- Did the incident cause injury or distress to a pupil or member of staff?
- Even though there was no apparent injury or distress, was the incident sufficiently serious in its own right to require a written record? (ie involved restrictive holds)
- Is a written record needed to justify use of force? (especially when judgement finely balanced)
- Is a record needed to help identify and analyse patterns of pupil behaviour or staff training needs?
- Were other agencies involved, such as the police?

The record should be compiled by the member of staff involved, with the Headteacher, Deputy Headteacher or Assistant Headteacher checking the record on the attached Incident Form. The member of staff involved has a copy of the completed incident form.

All injuries are also recorded in line with other school procedures (see First Aid Policy etc).

Parents, as soon as is practicable, are told when and where the incident took place, why force was used, what force was used, whether there were any injuries and what follow up action (support and /or disciplinary) was being taken in relation to their child.

If the school feels that reporting the incident to a parent may result in significant harm to the child then the LA is informed. If a child is subject to a care order the LA is informed. If appropriate other external agencies are informed such as the Safeguarding LA Officer, the Health and Safety Executive etc.

Post Incident Support

Care is taken after an incident to ensure both staff and pupils are supported including meeting immediate medical needs, rebuilding relationships and reflecting on the incident so lessons can be learned.

The Headteacher will report incidents to the Governing Body who will monitor incidents where force has been used.

Other physical contact with pupils

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.

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

- Holding a hand
- Comforting a distressed pupil
- Giving praise or congratulations
- Demonstrating how to use a musical instrument or classroom resource
- Demonstrating exercises or techniques during PE
- To support children in some aspects of toileting or personal care
- To give first aid.

In all these cases teachers must use their own professional judgement when they feel a pupil needs this kind of support.

Complaints and Allegations

If a complaint is made reference is made to the school's Complaints Procedure and guidance on Dealing with Allegations of Abuse by staff.

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

Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.

When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.

Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the "Dealing with Allegations of Abuse against Teachers and Other Staff" guidance (see the 'Further sources of information' section below) where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.

Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.

This policy will be monitored and reviewed by the School and Governing Board. The Headteacher and staff will review the schools use of force strategy following any incidents and make any relevant changes to the policy.

Related Documents

- Child Protection Policy
- Complaints Procedure
- Equal Opportunity Policies
- Intimate Care Policy
- Behaviour and Anti Bullying Policy
- Dealing with Allegations of Abuse against Teachers and Other Staff
- DfE Use of Reasonable Force – Advice for Headteachers, Staff and Governing Bodies July 2013
- DfE Exclusion from Maintained Schools, Academies and Pupil Referral Units In England 2012



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w: http://pinnerpark.harrow.sch.uk

PHYSICAL INTERVENTION: INCIDENT RECORD

Child's Name: _____

Class: _____

Date of Intervention: _____

Time of Intervention: _____

Name(s) of staff members involved in physical intervention: _____

Name(s) of staff members who are witnesses: _____

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

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

Reason for using force and description of force used:

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

Follow – up, including post incident support and any disciplinary action against pupils:

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

When and how those with parental responsibilities were informed about the incident and any views expressed:

Report Compiled by:

Name: _____

Role: _____

Signature: _____

Date: _____

Report Countersigned by:

Name: _____

Role: _____

Signature: _____

Date: _____



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{date}

Dear

I would like to inform you that [redacted] was involved in an incident today where physical intervention was needed to manage the situation.

Context as appropriate

I would like to discuss the incident with you and plan future steps to support [redacted]. Please get in touch with me as soon as possible so that this may be arranged.

Yours sincerely,

{name}
Headteacher



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{date}

Dear

I enclose the school's Behaviour Policy and the Policy on Physical Intervention and the Use of Force.

As you are aware the latter may need to be put into practice for your child and this has been discussed with you.

Yours sincerely

{name}

Headteacher



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PHYSICAL INTERVENTION: PARENT CONFIRMATION

Please return to the school office. Thank you.

I acknowledge that I have received the school's Policy on Physical Intervention.

I understand that the Policy on Physical Intervention may apply directly to my child and that I will be informed if action has been required.

Parent Details: _____
Name: _____
Signature: _____
Date: _____