



New Forest Small School RESTRICTIVE PHYSICAL INTERVENTION POLICY

Member of Staff Responsible	Headteacher
Regularity of Review	Every 2 Years

This policy concerns the use of force to control and restrain students.

Context

This policy is based largely on the guidance given in the: DCSF 2007 guidance; Section 93 of the 2006 Education Act gives teachers and other staff the power to use “*reasonable force*” to control or restrain students in certain circumstances and in the HCC policy and guidance for schools. Restrictive Physical Intervention refers to when a “member of staff uses force intentionally to restrict a child’s movement against his or her will”.

New Forest Small School acknowledges that there may be times when restrictive physical intervention is an appropriate response to the risks presented in a given situation. “Any citizen has the common law power to intervene in an emergency to use reasonable force in self defence, to prevent another person from being injured or committing a criminal offence” (HCC 2012). “All school staff who have control or charge of pupils also have statutory power, in addition to common law power”.

All staff at New Forest Small School have the Head Teacher’s authorisation by virtue of their contract to use reasonable restraint and force when necessary as a final resort to ensure the health and safety of themselves or others and to prevent a student from committing an offence. The use of restrictive physical intervention may also be given to people to whom the headteacher has given authorisation to have control or charge of students such as paid members of staff whose job does not normally involve supervising students and unpaid volunteers (for example parents accompanying students on school organised visits).

Rationale

We do all that we can within our school to manage behaviour positively and avoid using restrictive physical intervention. We exercise appropriate care when using touch. However, there are times when we may need to use force to keep a child or children safe, or to maintain peace within the school. In such cases, we would always act within the principle of reasonable force. The use of restrictive physical intervention will be consistent with the DFE’s use of reasonable force guidance (2012).

We only use restrictive 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.

We would only use restrictive physical intervention where we judge that there is no reasonably practicable less intrusive alternative.

Duty of Care

We all have a duty of care towards the children in our setting. This duty of care applies as much to what we *don’t* do as what we *do* do. When children 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 restrictive physical intervention.

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

1. Committing an offence (or, for a student under the age of criminal responsibility, what would be an offence for an older child)
2. Causing personal injury to, or damage to the property of, any person (including the student themselves); or
3. Prejudicing the maintenance of peace and discipline at the school or among any students receiving education at the school; whether during a teaching session or otherwise.

AIMS

1. To ensure consistency and appropriateness of response on the very rare occasions when restraining becomes necessary. The intervention must be reasonable and proportionate in relation to the situation.
2. To achieve protection for students and for any colleagues who may have to use restraint and to prevent damage to property.

GUIDELINES/PRACTICE

1. The policy applies to teaching and non-teaching staff.
2. Physical force should only ever be used as a very last resort and then only in the circumstances described in this policy.
3. When we need to use restrictive 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 a short a period as possible.
4. Reasonable force might be appropriate in the following circumstances:
 - (a) Where action is necessary in self-defence.
 - (b) Where there is an imminent or developing risk of injury.
 - (c) Where there is a risk of significant damage to property.

Examples of situations that fall into these categories are:

- a student attacks a member of staff, or another student;
- students are fighting;
- a student is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- a student is causing, or at risk of causing, injury or damage by rough play, or by misuse of dangerous materials or objects.
- a student is running in a corridor or on a stairway in a way in which he or she might cause accident or injury.
- a student should not be restrained or prevented from leaving a classroom or area unless they are a physical threat to themselves or others.
- Our duty of care means that we might use a restrictive physical intervention if a child is trying to leave our site and we judged that they would be at unacceptable risk to the safety of themselves or others. This duty of care also extends beyond our site boundaries: there may also be situations where we need to use restrictive physical intervention when we have control or charge of children offsite (e.g. on trips).
- We never use restrictive physical intervention out of anger or as a punishment.

5. The degree of force used should always be the minimum needed to achieve the desired result.
6. Before intervening physically a member of staff should, wherever possible, tell the student who is misbehaving to stop, and what will happen if he or she does not. The member of staff should continue attempting to communicate with the student throughout the incident.
7. Physical intervention can take several forms. It might involve staff:
 - physically interposing between students;
 - blocking a student's path;
 - holding;
 - pushing;
 - pulling;
 - leading a student by the hand or arm;
 - shepherding a student away by placing a hand in the centre of the back; or,
 - (in extreme circumstances) using more restrictive holds.
8. Staff should avoid the following forms of physical restraint:
 - holding a student around the neck, or by the collar, or in any other way that might restrict the student's ability to breathe;
 - slapping, punching or kicking a student;
 - twisting or forcing limbs against a joint;
 - tripping a student;
 - holding or pulling a student by the hair or ear;
 - holding a student face down on the ground.

The above actions under section 8 are considered inappropriate.

9. Physical intervention should never be used as a substitute for good behaviour management.

REPORTING AND RECORDING AN INCIDENT

1. Any incident involving the use of force by a member of staff should be immediately reported to the Head Teachers and must be recorded on an Incident Form.
2. All such incidents must be formally recorded by staff as soon as possible after the event. Information would normally include: date/time, nature of episode, witness details, action taken, name(s) of staff involved and any other details considered relevant.
3. Students who have been restrained are entitled to record their views when they have calmed down.
4. The school will provide support and counseling for staff who wish to receive support.
5. It will normally be our policy to inform parents of any incident of this kind on the same day as the incident, preferably by telephone immediately and certainly before the student arrives home. This must be done by the Head Teacher/s. Parents will be encouraged to discuss on-going concerns with the Head and if necessary to use the school's complaint procedure.

6. The Police will be informed at the Head's discretion and if deemed necessary or any injury has taken place.

FUTURE ACTIONS. Where an individual child has demonstrated challenging aggressive behaviour, an individual behaviour plan/contract will be written and a challenging behaviour risk assessment completed and circulated to all their class teachers.

- B. The Head Teacher/s are responsible for reviewing the records on a termly basis, and more often if the need arises, so that appropriate action can be taken.

MONITORING

We monitor the use of physical intervention in our school. This policy will be reinforced to staff annually, preferably on the first day of the autumn term and to all new staff as part of their induction.

Concerns and Complaints

The use of restrictive 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 restrictive 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 restrictive 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 restrictive physical intervention has been used, our school's complaint policy 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/s are immediately informed. We would also follow our child protection procedures.

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 the complaints policy.

CONCLUSION

If staff are aware of the restraint policy, that in itself should help to make such occurrences even more rare.

Link Policies:

Behaviour Policy
Safeguarding/Child Protection Policy
Complaints Policy

Appendix One: Summary guidance for staff on the use of Physical Intervention

Introduction

This guidance for staff is a summary of our school's detailed policy on the use of physical intervention. Where staff are in any doubt about the use of physical intervention, they should refer to the full policy.

This summary guidance refers to the use of restrictive physical intervention (restraint) which we define as “when a member of staff uses force intentionally to restrict a child’s movement against his or her will”. Staff should not feel inhibited from providing physical intervention under other circumstances, such as providing physical support or emotional comfort where such support is professionally appropriate. The use of such support must be consistent with our Child Protection policy.

Who can restrain? Under what circumstances can restraint be used?

Everyone has the right to use reasonable force to prevent actual or potential injury to people or damage to property (Common law power). Injury to people can include situations where a child’s behaviour is putting him or herself at risk. In all situations, staff should always aim to use a less intrusive technique (such as issuing direct instructions, clearing the space of danger or seeking additional support) unless they judge that using such technique is likely to make the situation worse.

Teachers and other authorised staff (see full policy for more details about this) may also use reasonable force where a child’s behaviour is prejudicial to the maintenance of good order. Staff should be very cautious about using restrictive physical intervention under such circumstances. (Statutory law power).

Statutory power – Section 93 of the Education and Inspections Act 2006 enables staff under statutory power to use such force as is reasonable and proportionate to prevent a student from doing or continuing to do any of the following –

- a) committing an offence (or, for a student under the age of criminal responsibility, what would be an offence for an older student).
- b) Causing personal injury to, or damage to the property of, any person (including the student himself) **and**
- c) prejudicing the maintenance of good order and discipline at the school or among any students receiving education at the school, whether during a teaching session or otherwise).

Restraint should never be used as a substitute for good behaviour management, or in an angry, frustrated, threatening or punishing manner.

Students should only be restrained from leaving a room where there is a serious risk of harming and themselves or others. They should not be physically prevented from leaving a room in other circumstances.

Although all staff have a duty to care to take appropriate steps in a dangerous situation, this does not mean that they have to use restraint if they judge that their attempts to do so are likely to escalate the situation. They may instead issue a direction to stop, call for additional assistance or take appropriate action to make the environment as safe as possible (e.g. by clearing the room of children).

Where it is anticipated that a specific student’s behaviour makes it likely that they may be restrained, a risk assessment and intervention plan should be developed and implemented.

What type of restraint can be used?

Any use of physical force should be consistent with the principle of reasonable force. This means it needs to be in proportion to the risks of the situation, and that as little force is used as possible, for as short a period of time, in order to restore safety. Staff should:

Before physical contact:

- (a) Use all reasonable efforts to avoid the use of physical intervention to manage children's behaviour. This includes issuing verbal instructions and a warning of an intention to intervene physically.
- (b) Try to summon additional support before intervening. Such support may simply be present as an observer, or may be ready to give additional physical support as necessary.
- (c) Be aware of personal space and the way that physical risks increase when a member of staff enters the personal space of a distressed or angry child. (Staff should also note that any uninvited interference with a student's property may be well away, or close the gap between themselves and the child very rapidly, without leaving a "buffer zone" in which they can get punched or kicked.
- (d) Avoid using a "frontal", "squaring up" approach, which exposes the sensitive parts of the body, and which may be perceived as threatening. Instead, staff should adopt a sideways stance, with their feet in a wide, stable base. This keeps the head in a safer position, as well as turning the sensitive parts of the body away from punches or kicks. Hands should be kept visible, using open palms to communicate lack of threat.

Where physical contact is necessary:

- (e) Aim for side-by-side contact with child. Staff should avoid positioning themselves in front of the child (to reduce the risk of being kicked) and should also avoid adopting a position from behind that might lead to allegations of sexual misconduct. In the side-by-side position, staff should aim to have no gap between the adult's and the child's body. This minimises the risk of impact and damage.
- (f) Aim to keep the adult's back as straight and aligned (untwisted) as possible. We acknowledged that this is difficult, given that the children we work with are frequently smaller than us.
- (g) Beware in particular of head positioning, to avoid clashes of heads with the child.
- (h) Hold children by "long" bones, i.e. avoid grasping at joints where pain and damage are most likely. For example, staff should aim to hold on to the forearm or upper arm rather than the hand, elbow or shoulder.
- (i) Ensure that there is no restriction to the child's ability to breath. In particular, this means avoiding holding a child around the chest cavity or stomach.
- (j) Do all that they can to avoid lifting children.
- (k) Keep talking to the child (for example, "When you stop kicking me, I will release my hold") unless it is judged that continuing communication is likely to make the situation worse
- (l) Don't expect the child to apologise or show remorse in the heat of the moment.
- (m) Use as little restrictive force as is necessary in order to maintain safety and for as short a period of time as possible.

After an incident

It is distressing to be involved in a restrictive physical intervention whether as the child being held, the person doing the holding, or someone observing or hearing about what has happened. All those involved in the incident should receive support to help them talk about what has happened and, where necessary, record their views.

Staff should inform the Head Teacher/s as soon as possible after an incident of restrictive physical intervention; parents/cares should also be informed unless they authorize someone else to do this. The Incident Form should be completed as soon as possible and in any event within 24 hours of the incident. There should also be a review following the incident so that lessons can be learned to reduce the likelihood of recurrence in the future.