



Tibberton CE Primary School

Part of the Tibberton CE Primary School and
St Lawrence CE Primary School Federation

Physical Intervention and Reasonable Force

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Telford & Wrekin

C O U N C I L

Policy on the Use of and Reduction of Physical Intervention for Children & Young People

Telford & Wrekin Council

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1. Introduction

This document offers guidance to all teams and establishments working with children, young people and their families. It places Physical Intervention in the context of practice, where early, appropriate and preventative intervention is the norm.

This guidance should not be treated as a complete and authoritative statement of the law. Interpretation of the law is a matter for the courts.

Whilst physical intervention may occasionally be necessary, it should be a last resort, being consistent with dealing with behaviours which challenge and the risk presented. It should be seen as only one part of a wider comprehensive behaviour management strategy which employs the minimum reasonable amount of force for the shortest possible time.

This policy provides an overarching framework around the use of physical intervention for children and young people. Every school is required by law to have a behaviour policy and to make this policy known to staff, parents, pupils and governors. Schools and other establishments may wish to develop their own policy based on the specific requirements of their setting. They may also wish to have their own physical intervention policy in line with this overarching policy.

Where a physical intervention is necessary it must be used in ways that maintain the dignity and safety of all concerned. Incidents requiring the use of restrictive physical interventions should be thoroughly and systematically recorded, and be open to scrutiny via the Governing Management Body and Local Authority. Records may also be requested by Ofsted and the Care Quality Commission.

All staff must be aware of what is and is not appropriate and feel confident in managing difficult situations.

Safeguarding procedures will still apply. This guidance is supportive and complementary.

As a consequence of everyday association with children and young people, it is possible that teachers, staff and other adults are vulnerable to misplaced or even malicious allegations being made against them, either deliberately or innocently.

All staff therefore need to note the contents of this guidance and its correlation to their setting's specific Behaviour Policy.

All establishments have a general common law duty of care towards children for whom they are acting in loco parentis. A duty of care also exists of staff to ensure the safety of all concerned.

Ongoing staff training and support in the area of Positive Behaviour Management is essential to ensure good practice.

Any training in physical intervention which has been sanctioned by the head teacher or manager must be safe, suitable and appropriate and received from trainers recognised by the Local Authority. Any such training should be taught in the context of positive behaviour management. A model accredited by BILD, (preferably MAPA/CPI) is recommended.

2. Physical Handling

There are three main types of physical handling:

- a. Positive handling
- b. Physical Intervention
- c. Restrictive physical intervention.

3. Definitions

Positive Handling

The positive use of touch is a normal part of human interaction. Touch might be appropriate in a range of situations:

- Giving guidance to children (such as how to hold a paintbrush or when climbing)
- Providing emotional support (such as placing an arm around a distressed child)
- Physical care (such as first aid or toileting).

Physical Intervention

“Physical intervention” refers to direct physical contact.

Physical intervention also implies the restriction of a person's movement, which is maintained against resistance. E.g. guiding and escorting an individual away from a potentially escalating situation

Restrictive Physical Intervention

“Restrictive Physical Intervention.” refers to the use of force to:

Restrict movement;

Restrict mobility

Disengage from dangerous or harmful physical contact.

There will be circumstances in which staff judge that the risks associated with not using force are greater than those associated with using force. This guidance is about these circumstances.

4. Legal Considerations

- Use of reasonable force: Advice for Headteachers, Staff and Governing Bodies
<http://media.education.gov.uk/assets/files/pdf/u/use%20of%20reasonable%20force%20advice%20for%20headteachers%20staff%20and%20governing%20bodies.pdf>
- Dealing with Allegations of Abuse against Teachers and other staff
<http://media.education.gov.uk/assets/files/pdf/d/dealing%20with%20allegations%20of%20abuse%20against%20teachers%20and%20other%20staff.pdf>
- Guidance on the use of Restrictive Physical Interventions
<http://media.education.gov.uk/assets/files/pdf/g/guidance%20on%20the%20use%20of%20restrictive%20physical%20interventions.pdf>
- Guidance on the use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties
http://media.education.gov.uk/assets/files/pdf/g/guidance%20on%20the%20use%20of%20restrictive%20physical%20interventions%20for%20pupils%20with%20severe%20behavioural%20difficulties_2003.pdf
- Offences against the Person Act 1861
- The Criminal Law Act 1861
- Dept of Health and Welsh Office Code of Practice on the Mental Health Act 1983 (1993)
- Mansell Report (services for people with Learning Disabilities and Challenging Behaviour or Mental Health Needs) HMSO, London (1993)
- National Institute for Clinical Excellence, Clinical Guideline 25
- Violence – the short term management of disturbed / violent behaviour in psychiatric in-patient settings and emergency departments (2005)
- Human Rights Act (1998)
- Mental Health Act (2007)
- Care Standards Act (2000)
- Employment Law
- Mental Capacity Act 2005
- Build Code of Practice for the use and Reduction of Restrictive Physical Interventions 2010
- The Children Act 2004

5. When would Restrictive Physical Interventions be used?

A Restrictive Physical Intervention may be used when:

- Someone is injuring themselves or others.

- There is suspicion that although injury, damage or other crime has not yet happened, it is about to happen.

Staff might use Restrictive Physical Intervention if a child is trying to leave the site and it is judged that the child would be at risk. This would also cover staff who are in charge of children on trips. Other protective measures would also be in place.

The aim in using Restrictive Physical Intervention is to restore safety, both for the child and those around him or her.

6. Reasonable Force

Definition:

The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should be the minimum needed to achieve the desired result.

All citizens can use Reasonable Force to protect themselves or others. The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. It is the common law right of any citizen in an emergency to use Reasonable Force in self-defence, to prevent another person being injured or their property from being damaged. Any member of staff or volunteer has that right.

Any Physical Intervention should be proportionate to the risk involved. It should necessitate the minimum force for the minimum time and be the result of a graded response. It should not be used for punishment, retaliation or revenge.

There should be no reliance on threatening or inflicting pain as this would constitute Child Abuse.

All school staff have the power to use Reasonable Force to prevent pupils committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom.

This power applies to any member of staff at the school. It can also apply to people whom the head teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

It is the responsibility of the manager / head teacher / teacher manager to ensure that staff have the necessary skills and knowledge around behaviour management and physical intervention.

A member of staff who knows the child, or young person or adult well, is most likely to be able to use other methods to support the child and keep them safe without using restrictive physical intervention. For this reason, they may also be the most appropriate person to physically intervene if it is necessary. In an emergency all staff can use physical interventions.

7. Behaviour Policy

Within the behaviour policy for a specific setting, the following framework may be used for guidance:

- Values and Ethos
- Rights and responsibilities
- Rules, routines and consequences
- Support for staff, pupils, families and carers.

The policy on the Use and Reduction of Physical Intervention need not be part of the settings behaviour policy but should be fully consistent with the schools behaviour policy, child protection policy and health and safety policy. While certain establishments may wish to have their own Physical Intervention Policy, every school would be expected to have their own Behaviour Policy.

8. Risk Assessment

Risk assessment is a systematic way of thinking about and anticipating what can go wrong, how it is likely to happen and what needs to be done to prevent or control it.

There are four reasons for carrying out risk assessments:

- 1) Good practice- It is a proactive means for identifying and preventing or reducing risks to health and safety arising out of work before an incident happens or ill health is caused.
- 2) Financial - It costs a little to train people to become competent assessors and to give them time to carry out their duties but that is trivial compared with the knock-on costs of uncontrolled incidents.
- 3) Policy - It is a means of working towards the stated aim of Telford & Wrekin Council to take all reasonable steps to safeguard the health and safety of employees, customers and anyone else affected by the work of the Council.
- 4) Legal - Several pieces of health and safety law require risk assessments to be carried out as a means to ensure that legal obligations are met. Having a documented risk assessment in place is a strong starting point in the event of needing to defend our actions. The law requires "suitable and sufficient" assessments to be made of risks and for these to be recorded. Exactly what this means can only ultimately be decided in a court of law. In lay terms the end result should be that enough is done to control foreseeable risks to an acceptable level.

Managers/ Heads have the responsibility for carrying out risk assessments for their teams on behalf of the Council as the employer but may delegate this work to a competent person.

It is crucial to assess the risks associated with managing any child or young person who may require the use of physical intervention. This will require a personal risk

assessment to be carried out for each individual to ensure that their behaviour is clearly assessed and that robust control measures are established and recorded. The risk assessment must then be shared with relevant staff and any training needs identified.

This process will ensure that there is a consistent approach to managing any child or young person who may require the use of physical intervention.

Any risk assessment should be monitored and reviewed regularly, particularly if physical intervention has had to be used, to enable control measures to be revisited and amended accordingly.

If any child or young person does become violent or aggressive requiring the use of physical intervention this should be recorded using the corporate Violent Incident Report Form found on the Intranet or Learning Platform. These incidents should be reported to and monitored by Managers/Heads to assist with review of any personal risk assessments, to ensure appropriate control measures continue to be implemented and, to ensure that staff training and personal safety risk assessments also remain suitable and sufficient.

These form should also be sent to the Local Authority (where applicable) to be entered onto the PSE recording system.

9. Planned Restrictive Physical Intervention

In extreme cases Planned Physical Intervention may be necessary. It requires careful planning in order to minimise risk to all concerned. In the main this is likely to be in special settings/environments. This intervention should be one component of a broader approach to behaviour management, treatment or therapy.

There are a small number of children or young people for whom a planned restrictive physical intervention may be necessary.

The plan would be:-

- agreed in advance and involve the advice of other professionals
- described in writing and be part of a wider plan for behaviour management usually agreed with parents / carers
- implemented where possible by a named person who has appropriate training
- Where restrictive physical intervention is used, it should be recorded appropriately.

10. Post Intervention Support and Learning and Record Keeping

Support is offered to all parties involved in an incident.

Post Incident Analysis and Learning:

Following an incident, it is important to evaluate the effectiveness of an intervention and inform future planning, policy and day to day practice.

It is important that there is a detailed written report of any occasion where a Physical Intervention is used.

It is a legal requirement for schools to inform the parent or carer or relevant agency of a Physical Intervention as soon as possible.

Children and Young People are also entitled to have their views recorded.

Staff may wish to involve a colleague or member of a Professional Association.

11. Physical intervention, accident and violent incident reporting

Records of any restrictive physical intervention should be recorded within 24 hours of the incident. It should consider patterns of children's/young people's behaviour.

Such records should provide evidence of defensible decision making in case there is a subsequent complaint or investigation.

A record should cover:

- a. personal data about child/young person on whom physical intervention was used (name, class group etc);
- b. context data (day, date, time, location);
- c. staff involved (directly and as witnesses);
- d. other children/young people involved;
- e. nature of the incident;
- f. events leading to the use of a Physical Intervention;
- g. any de-escalation or other strategies used to minimise need for use of force;
- h. evidence of a gradient response to the incident.
- i. reason for using the physical intervention;
- j. description of the physical intervention used (type, duration);
- k. subsequent actions, including those related to the welfare of the Child/Young Person and staff involved; and
- l. information given to other staff, parents and external agencies;

The Manager (or person acting on their behalf) must be informed at the earliest opportunity. In a school this would be the Headteacher. The Headteacher should give consideration to contacting parents/ carers as soon as practicable. The Headteacher should ensure that the Physical Intervention Monitoring form is completed. The school Senior Leadership Team should have arrangements in place to monitor this form internally and send it to the Education and Skills Service (learningand.behaviour@telford.gov.uk) within the council every half term.

In some situations Physical Intervention may be an appropriate course of action to deal with a Violent Incident, or the Physical Intervention itself may, if it does not go according to plan, become a Violent Incident itself.

Violent Incident:

A violent incident is defined in the Telford & Wrekin Personal Safety Policy. Violence as “any incident in which an employee is verbally or physically abused, threatened or assaulted in circumstances arising out of the course of his/her employment”. It therefore includes aggression not just actual or threatened violence.

Violent incident report forms can be downloaded off the intranet and Learning Platform.

A violent incident that results in an employee being;

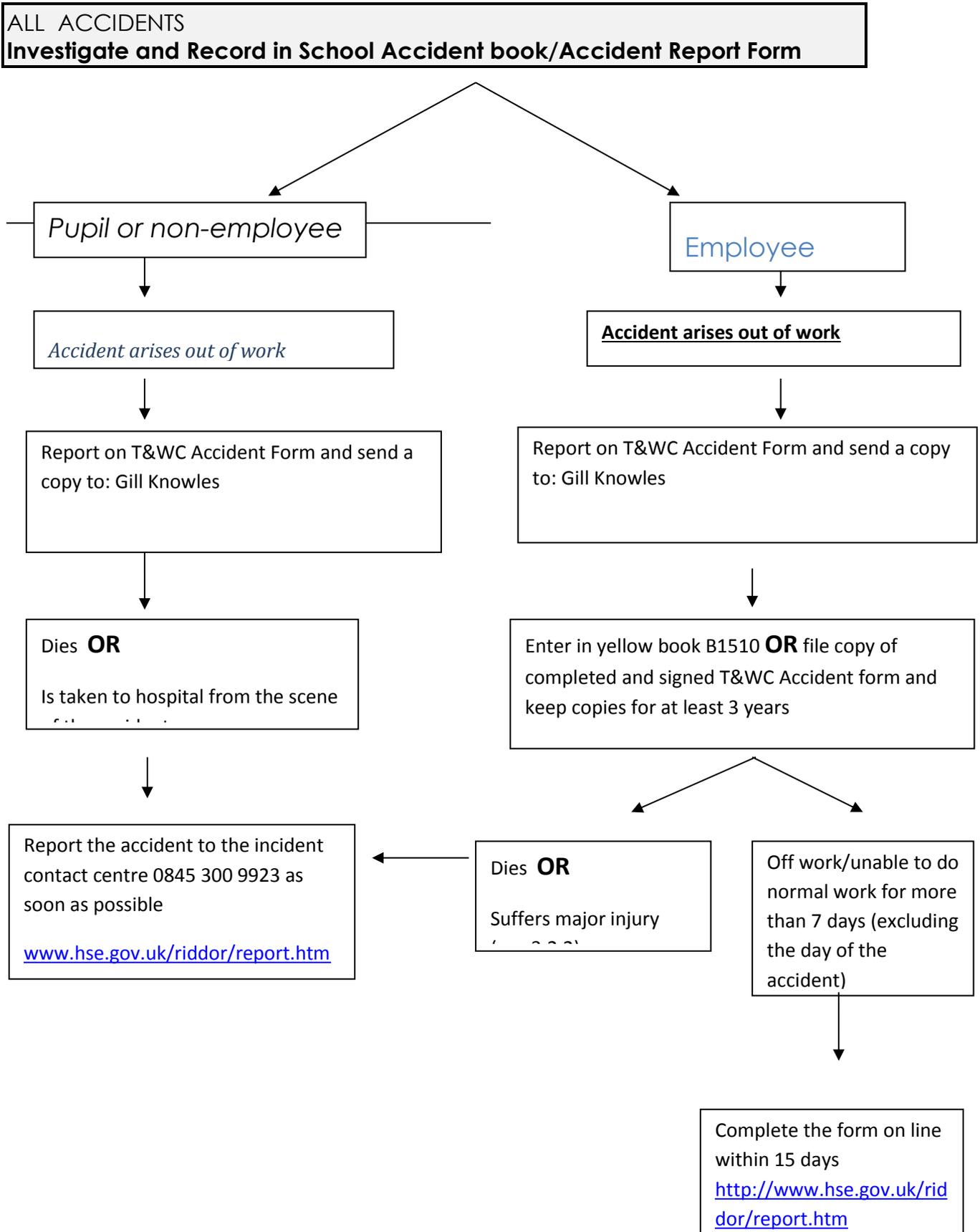
- physically injured and as a result is off sick for more than seven days or results in a major injury is notifiable to the Health & Safety Executive as for accidents.

The distinction between a violent incident and an accident lies in the intent of the perpetrator and sometimes this will not be clear. In some situations involving physical restraint accidental injury to one or more parties involved may result. Following the flow chart should help clarify how to report accidental injury. Full details are set out in the Education Health and Safety Manual under Accident Reporting.

Settings will need to discuss scenarios to enable understanding of these terms in their context.

Both staff and children or young people should be given separate opportunities to talk about incidents in a calm and safe environment.

ACCIDENT REPORTING FLOW CHART:



12. Complaints

In the event of a complaint the correct complaints procedure must be followed.

Guidance on handling allegations against staff can be found in the Telford & Wrekin Safeguarding Board website. (www.telfordsafeguardingboard.org.uk),

12.1 Dealing with complaints and allegations

Where anyone (child, carer, staff member or visitor) has a concern, this should be dealt with using the settings' usual complaints procedure.

If a specific allegation of abuse is made against a member of staff then the setting needs to follow the guidance set out in DFE statutory guidance (<http://westmerciaconsortium.proceduresonline.com/index.htm>)

13. Training

The recommended model of training for the use and reduction of restrictive physical interventions in Telford and Wrekin is Non-violent Crisis Intervention Programme (CPI) / MAPA. This programme is BILD Accredited (British Institute of Learning Disability www.bild.org.uk) and focuses on restraint reduction initiatives. It aims to reduce the use of restrictive practices and consider alternative strategies for preventing, supporting and managing challenging behaviour.

It is the responsibility of the manager / head teacher to ensure that staff attending training in Physical Intervention are fit and well enough to participate when practicing physical skills. Any concerns should be discussed with the trainer or training provider prior to the course commencing.

The level of training which staff require is informed by the risk assessment relating to the setting and / or the specific risk assessment of the behaviour of the child or young person. These risk assessments will be in place prior to the training place and be reviewed annually or more frequently if required.

It is recommended that staff are also trained in Positive Behaviour Management and training will reinforce the emphasis on the reduction on restrictive physical intervention in settings.

Tibberton CE Primary School

Reasonable Force Record

Name of Child: (Male / Female)

Class:

Time and date of incident:

Staff involved:

Names of staff using reasonable force

Witnesses

The incident

Nature of the incident:

Events leading to the use of a Physical Intervention

Any de- escalation or other strategies used to minimise the need for use of force

Evidence of a gradient response to the incident

Reason for the use of the Physical Intervention

Description of the Physical Intervention used (type/duration)

Subsequent actions (for welfare of the child/staff involved

Information given to other staff/parents and external agencies

Any other agencies involved - please list with name and title

Parents contacted

Date:

Time:

Sanctions/Next Steps

Meeting with parent and child following the incident

Any further intervention or agency involvement required

Signed: **Date:**

Designation: