

Hummersknott Academy



59.1 – Physical Intervention Procedure

**Adopted Date: March 2021
Review Date: November 2023**

Safeguarding Children and Staff

- Whenever possible, when needing to guide or hold children, staff should aim to touch only the shoulders, elbows and arms.
- The clear rules about touching need to be explained to the children.
- Touching should be carefully considered or avoided in situations that are private and in areas where there is no open access.
- Whenever possible a second member of staff should be present.

Physical Intervention

- Physical intervention can be regarded as any physical contact, however minimal, that is intended to redirect or stop someone from doing what they would otherwise have done. This would include communicating physical presence (drawing/diverting attention), prompting or supporting an action, or guiding/directing someone to move in a different direction, as well as Restrictive Physical Intervention (RPI), where a student's actions are more forcefully restricted to prevent movement or mobility, such as to prevent harm or risk to themselves or others.
- Positive Handling refers to the whole range of de-escalation and management strategies, including where necessary, physical intervention.

Objectives

- Staff manage challenging behaviour using a range of strategies informed by the collective understanding of behaviour and positive handling, including crisis escalation and the effects of their own actions.
- Students are treated fairly, with courtesy and respect. Good conduct is modelled at all times, and work for effective outcomes, not winners and losers.
- Challenging behaviour is often the result of a breakdown in communication. Staff aim to understand what function a behaviour serves, and to facilitate the child learning more socially acceptable means of expressing their needs.
- Staff aim to teach students to understand behaviour, and make positive choices to moderate and control their own behaviour. Staff never plan for mere containment, though circumstances may sometimes dictate it has to be priority.

Minimising risk and the need to use force

- Most escalating conflicts can be resolved without the need for physical intervention.
- Establishing and maintaining good relationships with children is crucial to positive and effective behaviour management.
- De-escalation strategies are used, including diversion, distraction, diffusion and negotiation to prevent violence and reduce the risk of injury to students and staff (see staff responses below).
- Supporting each other as a team helps to keep students and staff safe. Seeking help is considered a professional strength, not a weakness.

Incidents that might require the use of physical intervention by staff

- Teachers, and others employed or volunteering within the Trust, have the right in law to physically intervene as is reasonable in the circumstances to prevent a student from doing or continuing to do, any of the following:
 - committing a criminal offence
 - injuring themselves or others
 - damaging property
 - prejudicing the maintenance of good order and discipline (at school or among any students under their supervision out of school, such as en route home or on outings)
- It must be shown that the situation could not be resolved safely without the use of physical intervention – i.e. it was **necessary** - and that the force used was **reasonable** and **proportionate** to the dangers/risks. A student may be physically restrained, or an adult may protect themselves, only to the extent of using the minimum degree of force that is needed in the circumstance to affect the restraint, and usually only ‘as a last resort’
- Anyone who is physically attacked has a right in common law to defend themselves. However, staff are expected to keep everyone safe, and use balanced judgment based on dynamic risk assessment in all situations. If it is possible, staff should remove themselves from the immediate vicinity, or from the attacker, without putting others at risk.
- Students with SEND have the right to be treated no less favourably than their peers, and staff have a legal duty to make reasonable adjustments to ensure they are.

Reasonable force

- There is no legal definition of what is ‘reasonable’, nor what is ‘necessary’ or ‘proportionate’. A behaviour which may normally seem trivial could be more serious if the circumstances change – such as a child running in a crowded as opposed to an empty corridor.
- Staff must aim to use the least intrusive and least restrictive intervention - using the minimum reasonable force for the shortest time.
- Staff need to use their knowledge of behaviour management, knowledge of the child (including any SEND needs), the agreed strategies detailed in the child’s Risk Assessment/Care Plan (if there is one), and the current environmental constraints, to dynamically assess the risks, and select from a range of optional strategies. The risk assessment is ‘dynamic’ because circumstances continue to change and require continuous re-evaluation of all factors in order to maintain safety for all concerned.
- Physical interventions should not deliberately cause pain. Also, it is against the law to use restrictive physical intervention as a form of punishment.

Deciding whether to use reasonable force

- Staff are expected to use all available means to avoid physical intervention wherever possible. Verbal and non-verbal communication should be the first line of approach.
- Physical interventions should only be used in conjunction with other strategies designed to help students learn alternative, more acceptable behaviours.
- Every situation escalating towards a possible crisis requires dynamic risk assessment to decide on the safest course of action for all concerned (see ‘Reasonable force’ above).

- Any physical intervention should be justifiable and in the best interest of the student. Even where physical intervention is legally permitted and seems appropriate, it may not be safe or *in the best interests of the student* or others; instead the focus should be on removing others from harm or making the environment safer.
- **The use of any form of physical intervention potentially carries the risk of allegations of abuse against staff.**
- Staff are equally open to accusation of a failure of 'duty of care' if a student suffers as a result of a refusal to intervene physically where it probably would have kept them safe.
- Where a student has a sensory or physical disability, or a learning difficulty, particular care will be required to ensure that the student understands what is happening and to ensure that actions are not discriminatory. In recording incidents, staff should include any reasonable adjustments that were made in managing the child's behaviour.
- Staff need to pause for 'thinking time', be confident in their reasoning for choosing to use physical intervention, and clearly communicate positive intent wherever possible; in crisis management people are judged by what they feel, think, say, do and record (see reporting and reporting below).

Avoiding confrontation - staff responses to escalating aggression

- Staff should explore the interaction between environmental setting conditions and personal factors for each student who presents challenging behaviours, modifying conditions to reduce the likelihood of such behaviour.
- Staff look for the earliest signs of possible crisis - distress, agitation, anxiety and building anger or aggression. They look for changes in behaviour, rather than just types of behaviour. Defusing, diversion and other de-escalating techniques are continually employed throughout the interaction, including any physical intervention, until the student is calm.

Do (whenever possible):

- Intervene early to avoid reaching crisis level.
- Consider the age, maturity and ability of the student.
- Remain calm and appear confident throughout. Staff should maintain control of their own communication style and physical presence (if the member of staff is not calm, they should seek help).
- Use open and positive body language, and do not break eye contact.
- Get reasonably close (but not too close) and talk quietly. Sit down or get down to the student's level, if appropriate.
- Avoid an audience.
- Acknowledge the student's emotional state and state clearly the offer of support.
- Encourage talk, and be prepared to listen.
- Allow time and space.
- Restate clearly reasonable expectations.
- Offer choices.
- Divert the focus, e.g. by humour (not sarcasm) or by suggesting a different activity.
- When physical intervention becomes necessary, use the minimum force required to control the situation.
- Apply Resistant Physical Intervention (RPI) for the minimum time possible, continuing to use de-escalation strategies, including verbal communication, to enable release as soon as possible.
- Continue attempting to calm the student down, making it clear that restraint will cease when it appears safe to do so and the student is demonstrating calm and self-control.

- Be prepared to lose face where necessary. If you think a change of staff may help defuse the aggression, ask someone else to take over.
- Remember that no one person has all the answers; teamwork is the best approach, and helps keep everyone safe.

Do not (whenever possible):

- Appear angry or aggressive. Don't take angry comments personally.
- Invade personal space (don't back the student into a corner - literally or metaphorically).
- Shout or try to 'volume match' (this is likely to be ineffective in avoiding or de-escalating conflict – this is distinct from shouting to draw attention to stop a child doing something dangerous).
- Use personal comments.
- Make promises you cannot keep.
- Ask 'open' questions e.g. 'Why?' or 'Are you....?'
- Insist on 'getting your own way'.
- Lock a student in a room or block their exit - unless in exceptional circumstances (see 'Seclusion' below).
- Chase a student who runs/walks away, unless (exceptionally) the risk to which they will be exposed seems greater than the risks inherent in a pursuit.
- Attempt physical intervention before adequate assistance is on hand, unless it is obviously essential to intervene.
- Expect to manage all incidents successfully.

NB. When dealing with a distressed student who is attempting to leave the premises and may well put themselves at risk, best judgement and knowledge of student is invaluable. On such an occasion it would be best practice to alert the member of staff with whom the student has the closest relationship.

Power to search students without consent

In addition to the general power to use reasonable force described above, the Principal and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following "prohibited items":

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- mobile phones if there is suspicion of threats, taunts, inflammatory language or pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property

Force **cannot** be used to search for additional items banned under the school rules.

Seclusion

It is against the law to lock a student alone (where no adult is present) in a room or bar their exit, except by presenting a physical barrier, other than in an emergency. As there is no clear legal definition of the term 'in an emergency', the first serious occurrence of the student's behaviour may constitute an emergency; any repetition would create a degree of predictability that should trigger the formulation of a risk management or handling plan.

Removal from a room to a quiet area can be used to help de-escalate conflict, by isolating a student from a trigger or an audience, to re-focus attention, reducing stimulation and anxiety, but the rationale for using it needs to be clear and unambiguous, and at least two staff should ideally be involved.

This space can be used for 'Time out', pre-planned and written into a student's risk assessment where they exist.

Child specific risk assessment

For some children and young people behaving in an obstructive, harmful or dangerous fashion is a regular response to certain situations. For any student assessed as being at greatest risk of needing restrictive physical interventions, a child specific risk assessment that clearly indicates strategies to manage potential incidents should be implemented. This is created in consultation with the student and their parents/carers.

A child specific risk assessment should:

- bring together contributions from key partners working in partnership
- include potential risks, include risk assessments where necessary
- alert people to risks
- examine options for responding to these challenges including techniques for de-escalation
- advise against strategies which have been ineffective in the past
- include preferred strategies and suggest ideas for the future
- be agreed and signed by all parties involved, particularly the student and parent
- be communicated to all who work with the student
- be reviewed regularly

Where risks are known, staff will be deployed to ensure that they are available to respond to any incident which requires physical intervention. Staff will not normally be expected to work alone in isolated situations with students whose behaviour is such that the likelihood of confrontation is increased.

Post-incident support/teaching

Any incident of RPI should be recorded on an incident form. After an incident involving RPI, as soon as heightened emotions have reduced, the student and staff involved should be offered an appropriate de-briefing (listening and learning process). Consideration should be given to appropriate recovery times for those involved and the possibility of the need for continuing support/counselling.

To enable the most effective learning process, Staff need to:

- Listen actively (using positive listening skills).
- Resist the temptations to interrupt, to 'fill silences' or to 'tell our own story'.
- Examine the emotions/feelings of the student and concentrate on cause/effect rather than factual accuracy.
- Record the views of those involved, particularly the student, the level of understanding and learning achieved, and agreed future actions on CPOMS.

After any incident a discussion should take place between all staff involved, reflecting on actions and effectiveness/outcomes. This discussion should be non-judgemental; the incident should be seen as a learning experience for the staff involved, which impacts on the practice, procedures and policy of the Academy. Concerns should be reported to senior managers for future training or policy development.

Reporting and recording

All incidents of seriously challenging behaviour are to be promptly reported to senior management, then clearly and fully recorded on CPOMS.

The Incident Report form should:

- be submitted to the Head Teacher/Principal (keep a copy) for monitoring/signing
- include full details of the incident (including precursors and strategies used - non-physical and physical)
- include a description of the student's views and the debrief (if able/willing to give)
- record communication with parents/carers and others
- record offering of medical examination (or alternative decision if appropriate)
- inform positive handling plans (PHPs) if required

A full account of the incident (actions taken and follow-up) will be provided to the student's parents/carers at the earliest opportunity, if possible before the student leaves the school that day.

When writing up serious incidents staff should be clear about the reason physical contact was necessary. A typical account should attempt to answer the following questions:

- a) When dynamic risk assessments were undertaken, what was the thought process?
- b) How was this in the best interests of the child concerned?
- c) What risk factors were considered and how were they mitigated?
- d) What outcome was anticipated?
- e) What actually happened?

Monitoring Incidents/Reviewing Procedures

The Head Teacher/Principal will monitor and evaluate all CPOMS reports, along with the impact of any training in physical intervention techniques. They will analyse the data and report the pattern of incidents involving the use of physical intervention to the Board of Directors as appropriate.

Training

Staff that require additional training in methods of acceptable physical intervention can identify themselves through the Academy's appraisal and continuous professional development system. Any such training will be agreed at the discretion of the Head Teacher/Principal.

ASSOCIATED RESOURCES

Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders (2002)

<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 (2003)

<http://www.education.gov.uk/schools/pupilsupport/behaviour/behaviourpolicies/f0077153/use-of-reasonable-force>

Link to Searching Guidance

<http://www.education.gov.uk/schools/pupilsupport/behaviour/f0076897/screening>

Link to Dealing with allegations of abuse against teachers and other staff – guidance for local authorities, head teachers, school staff, governing bodies and proprietors of independent schools

<http://www.education.gov.uk/aboutdfe/advice/f0076882/ensuring-good-behaviour-in-schools/allegations-of-abuse-against-staff>

Ministry of Justice advice on self-defence (when published) and Home Office PACE codes

<http://www.homeoffice.gov.uk/publications/police/operational-policing/pace-codes/?view=Standard&pubID=810826>

Guidance on behaviour and discipline in schools

<http://media.education.gov.uk/assets/files/munro/behaviour%20and%20discipline%20in%20schools%20guide%20for%20headteachers%20and%20school%20staff.pdf>

Use of reasonable force in schools

<http://media.education.gov.uk/assets/files/pdf/u/use%20of%20reasonable%20force%20advice%20for%20headteachers%20staff%20and%20governing%20bodies.pdf>