



PHYSICAL INTERVENTION AND REASONABLE FORCE POLICY [AVANTI SCHOOLS TRUST]

This policy is in force until further notice from:	Mar-21
This policy must be reviewed by:	Mar-22
Policy Author(s):	Mike Ion
Date policy reviewed by Education Director:	10.03.21
Date policy reviewed by COO:	n/a
Date policy reviewed by Head of HR:	n/a
Date policy reviewed by Compliance & Governance Officer:	n/a
Date compliance with GDPR assured:	n/a
Date compliance with KCSIE assured:	n/a
Date compliance with Equality Diversity & Inclusion assured:	n/a
Location of publication of policy:	Trust Website/Sharepoint
Under the Trust's Scheme of Delegation this policy must be approved by [LEARNING, TEACHING AND STANDARDS COMMITTEE]. Such approval was given on:	Learning, Teaching and Standards Committee 22.03.21

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This policy is to be read in conjunction with the school's Behaviour for Learning, Anti Bullying Policy and Child Protection Policy

Statement of Intent - Introduction and Legal Framework

The School endorses the non-statutory advice and guidance from the Department of Education for school leaders, staff and School Stakeholder Committees, along with any subsequent review recommendations.

There are two physical interventions that can occur in a school setting and the School recognises the importance of defining this as an integral part of this policy. These are:

Physical Intervention: The use of force - Challenging Behaviour

In the context of challenging behaviour, physical intervention with pupils is the positive use of 'reasonable' force (no more force than is needed), in order to avert danger by preventing or deflecting a child's or young adult's action, or by removing the physical object which could be used to harm themselves or others. Force is usually used either to control or restrain. Control means either passive physical contact (standing between pupils), or restraint (physically holding in order to bring a pupil under control). The School recognises that the use of force is only lawful if its use is reasonable, proportionate, necessary, and where no more force than necessary is used.

Physical Intervention: The use of force - As an integral part of a child's and or young adult's daily physical management care

The use of force in this instance is defined by specific individualised programmes as an integral part of a personal care plan.

The following legislation applies to this policy: Section 550A of the Education Act 1996, Education and Inspections Act 2006, DfE Non statutory guidance, 'The Use of Reasonable Force Advice for School Leaders, Staff and Governing Bodies', 2012.

The School adheres to government non-statutory guidance and does not adopt a 'no contact' approach, as this breaches the 'duty of care' towards a pupil that all our staff hold within a school setting.

This guidance is based upon a number of principles. In line with the UN Convention on the Rights of the Child, this policy acknowledges that all children and young people have a right to be treated with dignity and respect, and to be protected from their own dangerous behaviour and that of others.

The Principal will ensure that all staff are clear about what constitutes appropriate behaviour and professional boundaries. The maintenance of this good practice is important both to protect children and minimise the risk of allegations being made against staff.

All school staff members have a legal power to use reasonable force to prevent students committing a criminal offence, injuring themselves or others or damaging property, and to maintain good order and discipline.

The staff to which this power applies are:

- any member of staff at the school;
- any other person whom the Principal has authorised to have control or charge of+6 students. This can also include people to whom the Principal has given temporary authorisation to have control or charge of students such as unpaid volunteers (for example parents accompanying students on school-organised visits);
- does not include any students (including those in positions of authority, such as prefects).

The power may be used where the student (including a student from another school) is on the school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

Staff members can sometimes be worried that using force will lead to false allegations of unreasonable or unlawful conduct in the form of a complaint or legal action. However, if the force used is reasonable, all staff will have a robust defence against any accusations. This policy and related use of force guidance is intended to help staff feel more confident about using force when they think it is right and necessary.

It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, which is illegal.

The School recognises the following:

- Any physical restraint techniques should ONLY be used within an environment which aims to anticipate and defuse; therefore, proactive and preventative approaches need to be used in accordance with the Behaviour for Learning Policy;
- Physical intervention to control or restrain a student should be used as a last resort and should take into consideration the following: student need, age and stage of development;
- Any techniques involving physical intervention i.e. either to control or restrain a student should observe certain principles of minimal reasonable force;
- When the use of physical force is necessary to address challenging behaviour, it must be reasonable, proportional in the circumstances and maintain the safety and dignity of all concerned. It should be used in a manner which is consistent with the statutory duty upon schools to safeguard and promote the welfare of pupils and their staff.

Staff are not expected to intervene where they feel that an intervention might place them at risk, either professionally or physically.

Aims

This policy aims to:

- Create a learning environment in which young people and adults feel safe.
- Protect every person in the school community from harm.
- Protect all students against any form of physical intervention that is unnecessary, inappropriate, excessive or harmful.
- Put in place guidance for staff so that they are clear about the circumstances in which they might use reasonable force to restrain students and how such reasonable force might be applied.

Reasonable force

Whether the force used is reasonable will always depend on the particular circumstances of the case and the test is whether the force used is proportionate to the consequences it is intended to prevent.

This means the degree of force used should be the minimum needed to achieve the desired result. Force is generally used for two different purposes – to *control* students and to *restrain* them.

- Control can mean either passive physical contact (e.g. standing between students or blocking a student's path) or active physical contact (e.g. leading a student by the hand or arm, or ushering a student away by placing a hand in the centre of the back).
- When members of staff use "restraint" they physically prevent a student from continuing what they were doing after they have been told to stop. The use of restraint techniques is usually used in more extreme circumstances, such as when two students are involved in a fight and physical intervention is needed to separate them

Preventing the need for physical intervention and the use of force when managing challenging behaviour

The School recognises that consistency in staff approaches towards the management of behaviour, are key to promoting good behaviour.

Techniques to de-escalate a problem should be used first, wherever possible. The following actions should also be used to reduce the risk of escalation:

the appropriate use of language, gestures and communication support aids, positive tone of voice and non-threatening body stance;
verbally or responding by gesture, including British sign language or Makaton sign language, PECS (Picture Exchange Communication System) or tactile communication systems) to acknowledge the child's distress/anger and attempting to calm the heat of the moment;
listening and/or observing and reassuring;
negotiating with all parties in different forms;

asking/requesting in different forms, onlookers to ignore an escalating situation and in some circumstances asking/requesting them to leave the scene;
 respecting the dignity of all concerned;
 taking the child's problem seriously.

Physical Intervention: Reasonable Force- Control and Restraint

The degree of force that may be used depends on all the particular circumstances. When considering what constitutes 'reasonable force' there are five relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. It should be possible to show that, unless immediate action had been taken, there were strong indicators that injury or damage to property would follow. The use of any degree of force is unlawful, if the particular circumstances do not warrant the use of such physical force, and therefore should be in proportion to the incident.
- Force can be used to control students i.e. passive physical contact, such as standing between students or blocking a student's path.
- Force can be used to physically restrain a student to bring them under control. It should only employ a minimum amount of force - i.e. the minimum force needed to avoid injury, damage to property or to prevent a breakdown in discipline - for the shortest period of time. The degree of force used will also be dependent on the age, understanding, physical maturity, developmental stage, sex of the student and whether the student has a special educational need. The decision to physically restrain a student must take account of these circumstances and be based on an assessment of the risks associated with the intervention, compared with the risks of not employing a physical intervention.
- *The decision on whether to use a controlling or restraining force on students is down to the professional judgement of the staff member concerned.* When a student needs physical intervention as part of his/her daily management plan, a designated member of staff will complete the Risk Assessment with the parent guardian and student.

Some examples of situations where reasonable force might be used are:

	Examples
Where action is necessary in self-defence or because there is an imminent risk of injury	<ul style="list-style-type: none"> • a student attacks a member of staff or another student • students are fighting • a student absconds from a class or tries to leave school - this will only apply if a student could be seriously at risk if not kept in the classroom or at school

Where there is a risk of significant damage to property	<ul style="list-style-type: none"> • a student is engaged in, or is on the verge of committing, significant damage or vandalism to property • a student is causing, or is at risk of causing, injury or damage by accident, by rough play or by misuse of dangerous materials or objects
Where a student is behaving in a way that is severely compromising good order and discipline.	<ul style="list-style-type: none"> • a student is behaving in a way that is severely disrupting the school

The purpose of any intervention is to restore safety. Physical intervention i.e. to control or restrain, should not be continued for longer than is necessary.

Physical interventions should never be used in anger and staff should make every effort to avoid any injury to the child. Brief periods of withdrawal away from the point of conflict into a calmer environment may be more effective for an agitated student than holding to control a student or restrain them.

Prevention should be the primary consideration

Because the use of force should only be a last resort, staff and volunteers at the School recognise that they should minimise the possibility of force being needed by creating a calm, orderly and supportive school climate that lessens the risk and threat of violence of any kind.

Steps to avoid these situations should be taken and the adult should be able to demonstrate that those steps were taken. Physical restraint should always be the last resort.

Staff have a responsibility to ensure the safety and welfare of their students. They are in a particular position of trust (in loco parentis).

The following should be applied in all cases:

- Staff should delay if at all possible; however, in some circumstances e.g. a child running out onto the road, you might be deemed negligent if you do not intervene.
- An 'on the spot' risk assessment for each occasion that you feel reasonable force or restraint may be necessary should be made.
- Consideration should be given to the environment, the medical circumstances and the clothing.
- Action being taken should always be for the good of the child, trying to keep them safe.
- Assure the child that the restraint is not a punishment.
- Never use other children in the restraint.

- Restraint or reasonable force should be witnessed by another responsible adult. Staff should use the red card system to call for another adult if restraint or reasonable force is needed and another adult is not available in the area.

Preventative Strategies

All staff in school need to be aware of strategies and techniques for dealing with difficult students and of steps which they can take to defuse and calm a situation. The strategies listed below as examples will be influenced by the age of the student(s) and the context in which they are applied.

- 1) Move calmly and confidently;
- 2) Make simple, clear statements;
- 3) Intervene early;
- 4) Try to maintain eye contact;
- 5) If necessary summon help before the problem escalates; and
- 6) If possible, remove the audience from the immediate location.

ACTION STEPS

- 1) Tell the student who is misbehaving to stop and tell him/her the possible consequences of failure to do so.
- 2) Summon another adult. (Another adult should be present if physical restraint of any kind needs to be applied.) Send another student to alert a member of the senior leadership team.
- 3) Continue to communicate with the student throughout the incident.
- 4) Make it clear that physical intervention will cease as soon as it is no longer necessary.
- 5) Appropriate follow-up action should be taken, which may include:
 - a. providing medical support;
 - b. providing respite for those involved; and
 - c. accessing external advice/support.

A calm and measured approach to a situation is needed and staff should never give the impression that they have lost their temper or are acting out of anger or frustration when handling a problem. Whilst limiting damage to property and/or persons, it is advisable not to 'corner' or give the child a feeling of being 'trapped' in any way as this can often inflame reactions. Where possible, allow the child space to move.

Physical Interventions-Observation of Principles

During an incident of physical intervention to control or restrain a student due to challenging behaviour, physical restraint or control techniques which are suitable for students, staff should observe certain principles. These include:

specific techniques (for example holding, leading a student by the hand or arm; shepherding a student away by placing a hand in the centre of the back.) should only be used where there is an ethos of anticipating and defusing children/young people whenever possible;

- they must take account of the student's age, gender and stage of development;
- they should not rely on threatening or inflicting pain;

holds should not apply pressure that works against joints;

they should not rely on routinely taking a student to the floor, but preferably to a seated position;

they minimise movement, particularly the risk of toppling over;

you can continue to talk to the student as you restrain or control them;

you approach the student from the side, not face to face;

techniques allow you to phase down the hold or restraint as the student regains control;

you can break away at any time, so that staff are not tempted to escalate the restraint using desperate and inappropriate techniques;

the member of staff should continue attempting to communicate with the student

throughout the incident and should make it as clear as possible in any appropriate form that physical intervention will stop as soon as it ceases to be necessary;

acknowledgement is always to be given to the student's rights and dignity.

Physical intervention in these circumstances may take several forms, e.g.:

- physically interposing between students;
- blocking a student's path;
- holding;
- 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.

The use of force should always be 'non-harmful'; this includes the giving of corporal punishment. The use of force as a punishment or to intentionally cause pain, injury or humiliation, such as the examples below, (which are not exhaustive), will not be permitted under any circumstances:

- holding around the neck;
- any hold that might restrict breathing;
- kicking, slapping or punching;
- forcing limbs against joints;
- tripping;
- holding by the hair; and
- holding the student face down on the ground.

Physical intervention may involve staff in:

- holding
- pushing
- pulling

Staff must always avoid touching or holding a student in a way that might be considered indecent.

Where a student has caused actual harm or injury, details will need to be recorded in the school accident book.

Recording the use of significant incidents

From September 2010, AST must ensure that a procedure is in place for recording each significant incident in which a member of staff uses force on a student, and for reporting these incidents to the student's parents as soon as practicable after the incident. Our staff will use the Incident Report form at the end of this policy. The principal will take all reasonable steps to ensure that staff follow the procedure. This is to ensure that parents are kept informed of serious events at school concerning their child. If reporting the incident to a parent would be likely to result in significant harm to the student, then the incident must be reported to the local authority where the student normally lives.

Whether an incident is significant will vary on a case by case basis, but in determining whether it is, staff will need to consider factors such as the student's behaviour and the level of risk presented at the time, the degree of force used and whether it was proportionate in relation to the behaviour together with the effect on the student or member of staff.

Members of staff should not put themselves at risk. An individual would not be seen to be failing in their duty of care by not using force to prevent injury, if doing so threatened their own safety.

Such records may be required for future reference. Immediately following any such incident the member of staff concerned should inform the Principal or a member of the senior leadership team and provide a written report. Parents/guardian or carers should be contacted as soon as possible and the incident explained to them. This action will also be recorded in the incident log. Staff should keep their own copy of any written report. The Principal will advise staff of any support they may need if they are injured after using physical intervention.

Roles and Responsibilities

The school will endeavour to ensure that all staff know and understand their roles and responsibilities in relation to the management of students. Legislation allows 'members of staff' to use 'reasonable force' and defines a member of staff as 'any teacher who works at the school and any person who, with the authority of the Principal, has lawful control or charge of students at the school'. The Principal will confirm with all staff whether they meet the terms of this definition.

Regular training will be given to staff and new staff should be given a copy of the policy as part of their induction, along with a Behaviour for Learning Pack.

Staff should be made aware of individual students who are considered likely to pose serious behavioural problems or violence.

The SENCO will keep staff informed about students with special educational needs who may require special attention with regard to their physical management. Staff will consult with

the SENCO regarding any concerns that they have about the physical management of students with special educational needs.

Designated staff (e.g. Tutors or Key Stage leaders) will monitor and analyse the behaviour patterns of students and will use this information to feed into other school areas, for example: teaching and learning approaches, provision development and strategies to encourage positive behaviour management, including de-escalation techniques.

Dealing with complaints and allegations regarding the use of force

Parents and students have a right to complain about actions taken by school staff, including any use of force.

If a specific allegation is made against a member of staff then the school will follow procedures set out in the School's Complaints Policy, with reference to the following Guidance:

- Use of Reasonable Force – July 2013
- Keeping children safe in education, Department of Education 2020 and Safeguarding Children and Safer Recruitment in Education (2012)

Stakeholder Involvement

This policy and the approaches it endorses will be reviewed as an integral part of the school Behaviour for Learning Policy.

Other Policies and Procedures

This policy should not be viewed in isolation and is closely related to the following:

- Anti-bullying
- Child Protection and Safeguarding
- Behaviour for Learning
- Equality and Diversity
- Staff Code of Conduct
- SEND
- HR Handbook

Staff-Professional Development

Professional development in the area of physical interventions is revisited on a regular basis as an integral part of review panel / pastoral meetings and staff/senior leadership meetings. It is an important element of our induction process and INSET sessions.

Incident Form

This can be found in Appendix 1.

The member of staff involved in the incident compiles the incident report.

The member of staff with lead responsibility for safeguarding checks the record and that the school provides the member of staff involved in the incident with a copy of the final version. It is important that this information is treated in confidence.

All accounts of the same incident should be recorded, including those of the student or students involved.

Parents should not be given a copy of the incident record as a matter of course, but they should be told when and where the incident took place, why it was decided that force had to be used and the strategies used to try to avoid having to use force, 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.

Ordinarily the names of those involved in the incident should not be disclosed in the report. However, the student may give this information to the parent or the parent can request the information from the school. The school should deal with these requests in accordance with the Data Protection Act 1998.

Appendix 1: First Aid Administers/First Aid Trained

All schools to complete the names of the people within their schools who have received training

Name of school eg Avanti House Secondary School

Name of Trained First Aid Administrators

