



Marriott Primary

Achieving Together

USE OF REASONABLE FORCE AND PHYSICAL INTERVENTION POLICY

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Signed (Chair of Governors)	<i>Steve Wilson</i>
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Signed (Chair of Governors)	

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Objectives

- To maintain the safety of pupils and staff
- To prevent serious breaches of school discipline
- To prevent serious damage to property

This policy is shared and communicated to all staff and parents.

Minimising the Need to Use Force

Use of force is only used as a last resort and procedures are in place at Marriott Primary School to create a calm and 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 PSHE and SEAL activities support pupils in managing conflict and coping with feelings. Staff are also given guidance and training in how to manage pupil behaviour.

Staff Authorised to Use Force

All teachers and staff the head has authorised to have control or charge of pupils automatically have the legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action. This includes all teachers, support staff and lunchtime supervisors. 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.

The Governing Body of Marriott Primary School has adopted DFE guidance on 'the Use of Force to Control or Restrain Pupils'. Most of the guidance is non-statutory, though staff are strongly advised to follow all sections of the guidance, but the section on 'recording and reporting significant incidents' is statutory.

Temporary authorisation can also be granted in specified circumstances such as volunteer parents helping on a school trip but this is under specific direction of a supervising member of staff.

Definitions

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.

In schools, force is generally used for two different purposes – to 'control' and to 'restrain' pupils.

Control means either passive contact (standing between pupils) or active physical contact (leading a pupil by hand or arm).

Restraint is when staff physically prevent a pupil from continuing what they were doing when told to stop, or when involved in a fight.

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

Physical Intervention is the term that is used to cover a range of physical contact that may be deployed by school staff. This includes the restraint and control techniques described above.

Who can use Reasonable Force

All members of staff have a legal power to use reasonable force. This can also apply to people whom the Headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on an organised visit.

Deciding Whether to Use Force

Staff should only use force when:

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

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

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.

NOTE: It is always unlawful to use force as a punishment.

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

Communicating the School's Approach to the Use of Force

This is done through the behaviour policy and this policy. Schools do not require parental consent to use force on a student but makes policies available to parents.

Using Physical Intervention

At all times the degree of physical intervention 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 physical intervention and what force to use should always depend on the circumstances of each case.

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 you will get kicked

Advice for Staff

- 1) Stay calm and keep repeating the request to calm down in a quiet voice. Try to de-escalate the situation.
- 2) Get down to the child's level if possible.
- 3) Remember physical restraint is a last resort and try to ensure another adult is available if the situation requires it.
- 4) Never get involved physically with a child when you are angry – hand over to someone else.
- 5) 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.
- 6) 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 SENCO is directly involved in reviewing the needs and management programme of pupils with SEN and behavioural difficulties. An individual risk assessment is drawn up where it is known that force is more likely to be used to restrain a particular pupil, such as with a pupil with SEN or poor behaviour. This gives clear guidance on 'positive handling plans' and takes into account issues identified on a pupil's statement. Staff coming into contact with such vulnerable pupils need to 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 such a risk assessment is in place for their child and the school seeks express written consent from the parent to inform staff about their child and acknowledging that physical restraint may at times be necessary.

Pupils experiencing difficulties should also be given guidance/ strategies to cope when faced with times of crisis.

Staff Training

The school will decide whether a member of staff requires specialised training in the use of physical intervention. Local authority advice can be sought in these circumstances. Marriott Primary School follows the advice from the Local Authority to have staff trained in Team Teach techniques which is an accredited programme of positive behaviour management training which focuses on de-escalation strategies to deal with challenging behaviour and encouraging positive relationships.

Recording and Reporting Significant Incidents

This part of the guidance is statutory.

The governing Body must ensure appropriate procedures are 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? (i.e. 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. There is a shortcut link on all desktop pc's to complete this record online.

It is available at: [https://my.leicester.gov.uk/service/Physical Intervention Record](https://my.leicester.gov.uk/service/Physical_Intervention_Record)

The member of staff should immediately speak with either the SENCo, Co-Headteacher, Deputy or Assistant Heads. The member of staff involved must complete this record within 24 hours of the incident. It is good practice to note down the details immediately after the incident.

The Electronic Physical Intervention Form (EPIF) User Guide is saved in the 'Policies' folder in the staff server.

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

The record forms part of the child's educational record. Further detail on what information should and should not be disclosed is available in the DFE guidance on Use of Restraint.

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.

Heads report incidents to the Governing Body and they monitor incidents where force has been used.

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. Further guidance is available in 'Use of Reasonable Force – Advice for Headteachers, Governing Bodies and staff.

What about other physical contact with pupils?

It is not illegal to touch a pupil. There are occasions when physical contact, other than physical intervention, 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 congratulation
- Demonstrating how to use a musical instrument
- Demonstrating exercises or techniques during PE
- To give first aid.

APPENDIX 1 - Frequently Asked Questions Regarding use of Restraint in Covid 19: Advice for SEND Services

Should schools still be using physical restraint during COVID 19?

Yes. We have a duty of care to protect children from hurting themselves or others. Physical restraint should be used as a last resort (as is usual practice). If staff members need to physical contact with a child, they should follow government guidance and increase hygiene efforts post incident.

Can schools use guide away and physical prompts?

Yes – especially if this will diffuse a situation. Covid 19 guidance explains to minimise contact, not to maintain a 2 metre distance. So do so when needed. Continue to maintain good hygiene.

What paperwork should schools have in place for SEND children?

The normal risk assessment and positive handling plan, but ensure schools add to the risk assessment in light of Covid 19.

Before Covid 19 the child had high level challenging behaviour which required restraint, should the risk assessment say they shouldn't be in school?

A risk assessment makes plans for how to keep a child and adults safe. As mentioned, before it should be updated in light of Covid19. But there should be an opportunity for it to be trialled.

Can schools continue to use transitional objects such as cuddly toys or items such as weighted blankets?

Yes as these can be washed. Government guidance does state to reduce the amount of resources available in schools, but if it is identified in the risk assessment as necessary for wellbeing of the child, then it can be used. We have a duty of care to ensure children emotionally feel safe so it's important to continue to use strategies they are familiar with.

Can schools console a child who is upset after a restraint?

Just as a staff member would care for a child needing first aid, they need to care for a child in distress, continuing to follow Government guidance in minimising contact, but this doesn't mean no contact.

How do schools minimise contact for challenging children?

95% of Team Teach is diversion and de-escalation. Distraction and diversion techniques are best. Use of calm boxes, and calm spaces, sensory breaks etc. would enable a child to feel more comfortable. Awareness of personal space, calm stance, sitting alongside can make a child feel like there is a comforting presence.

Should staff be using PPE if they're likely to use restraint?

Government guidance has stated that unless children are symptomatic of Covid 19, then there is no need for staff to be wearing PPE. If there is an urgent need to restrain a child, staff members would not have time to put PPE on. There may be potentially increased risk to staff members if PPE fails.

How can I prepare a child with SEND for coming back to school?

If a child's risk assessment identifies a high level of need, introductory sessions to prepare them for returning to school may be possible. Prior to return, transition booklets can be used to explain a bit more

about the new set up, including photos. Sharing the child's version of the positive handling plan and calm boxes etc. to remind them of the plan so they know what to do to keep themselves and others safe.

What support can schools get for children with SEND?

The SEND Support Teams and Educational Psychologists Team continue to work and support all schools through the Covid 19 crisis. If schools are uncertain or unsure of what to do around physical contact, they should contact their SEND Support link teachers.

What measures should I put in place to protect my staff?

Staff members need to be aware of the Covid 19 guidance that they need to, where possible, minimise contact. All staff should have access to a child's risk assessment and positive handling plan. Staff should also be made aware that they are able to conduct a dynamic (on the spot) risk assessment and know that if they need to they can use physical restraint.

Are schools able to adopt a 2 metre distancing rule or a 'no contact policy'?

No. The law states that we have a duty of care to safeguard children. Staff may need to intervene to safeguard the child, themselves or other children and so should feel able to use physical intervention.

How often should schools be reviewing this?

An updated risk assessment is written as the child returns to school. How the child then responds will continue to inform that risk assessment and should be adapted accordingly.

Does every child with a Positive Handling plan need an additional risk assessment?

No. The positive handling plan is very much a risk assessment in itself. A second more detailed risk assessment can be used for children who exhibit extremely challenging behaviour.

Which holds are safest?

Many of the Team Teach holds, involved the staff member being alongside the child, with their hip in and their head out, so do not involve face to face contact. The safest way to hold is to continue to use what is on the child's positive handling plan.

Are any holds adaptable to protect staff?

Team Teach have not released anything new. Modifying holds is not recommended. Team Teach only endorses the holds that you have been trained to do. This is to protect both the child and the staff.

Is there a point where a child is too high risk to manage in school during Covid 19?

These are very difficult times for staff and children. If schools are struggling to manage ensure they are seeking support from the SEMH Team.

Social, Emotional & Mental Health Team

SEND Support Service

Education & Children's Services

APPENDIX 2 - Positive Handling Plan and Risk Assessment

NB: This plan aims to draw upon previous incidents in order to support the child to find a better way to manage their behaviour

Name: _____ Date of Plan: __ / __ / __ Review Date of plan: __ / __ / __

School _____

Relevant Background Info that contributes to the individuals stress (e.g. Family history, learning needs etc.)

Likes/interests and Strengths

Stressors/Triggers (times of day, people, activities, needs not met)

Medical Conditions (if applicable) consider which of these will alter the child's presentation and appropriateness of the hold

Nature of RISK (circle all that apply)

Harm to self

Harm to others

Serious Disruption

Significant Damage to property

What precisely is the risk? (behaviours noted)

Key Adults:

De-escalation and Diversion strategies that can be used

Identify what does the behaviour look like? – Opportunities for staff to reduce risk.....

Stage 1 Anxiety Behaviours

Stage 2 Defensive Behaviours

Child	Child
Adult Response:	Adult Response:

Crisis Behaviours - this may or may not require the use of a physical intervention

Stage 3 Crisis	
<p>Child's Behaviours:</p> <p>Continued De-escalation ideas:</p> <p>Adult Response: Scripts: e.g. I'm here to help, there's no need to worry, you're not in trouble, lets go to your calm area</p>	<p>Non-restrictive: guide away, big gestures, escorts</p> <p>Restrictive Physical Interventions Techniques e.g. single elbow, Helpful hug, inside elbow,</p> <p>Shortest amount of time: how will you let go? Where will you let go? What next? Safe space?</p>

Recovery – continue to reduce risk, support the child to calm, ensure everyone is safe, do not re-escalate the situation

Stage 4 Recovery	Stage 5 Depression
<p>What will they do?</p> <p>Where will they go?</p> <p>Who will they go with?</p>	<p>The child may seem calm but are they?</p> <p>Can they follow a simple instruction?</p> <p>Are they willing and ready to engage?</p> <p>Or are they resistant and reluctant?</p> <p><i>Try a small directed task with them before going back to class.</i></p> <p>Please state support arrangements:</p>

Repair and Rebuild – continue to reduce risk by teaching a better way

Stage 6: Debrief with child

consider a safe place for this to occur, with a safe adult, this should be suitably differentiated to meet the needs of the child:

What happened? Before, during and after the critical incident?

What they were thinking and feeling?

Taking responsibility: How can they put this right? (repair the harm they have caused: this may include physical environment, and accepting consequences but critically it includes repairing relationships)

Who will support them and check that this has happened?

Please state how the above will be facilitated for this child:

Supportive Structures around the child

Teach a better way – how can we support the child to manage their emotions and crisis behaviours? e.g. My Positive Handling Plan Social Story, My Positive Handling plan visual Strip

1:1 Interventions e.g. Theraplay activities, Zones of Regulation, SEAL, Body mapping, access to counsellor, etc Group work e.g. emotional literacy sessions

Advice and Support from external agencies (e.g. SEMH, EP, Family Support, Paediatrician)

Please state who is involved and nature of current involvement (eg awaiting appointment, monitoring, awaiting assessment etc)

Support arrangements (e.g. ISP, PSP, School Contract, Element 3, Request for Statutory Assessment)

Parents/Carers:

Name: _____

Teacher

Name: _____

Young Person

Name: _____

Recording and Monitoring

Record on the Electronic PI Form

Report to SLT – ASAP

Report to Parents (within 24 hours max)

Review Plan

(annotate the positive handling plan, what was the stressor/ trigger? what worked well? what could be tried differently next time? Physical intervention required: Yes or No

Write in a different colour each time and date and sign this)

Review the entire plan (re-type!) every 12 weeks (government guidance!)