

ST. MARGARET CLITHEROW ROMAN CATHOLIC PRIMARY SCHOOL



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Restrictive Physical Intervention in Schools Policy

Ownership: Health, Safety & Premises Committee

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The School provides an outstanding experience of Catholic worship, prayer and liturgy. Pupil achievement in Religious Education is outstanding. There is a real sense of unity and purpose.



Section 48 Diocesan Inspection May 2014

“Pupils make rapid progress because they are very keen to learn, and because the teaching is highly effective ... Behaviour is excellent. Pupils get along very well and enjoy school, accepting one another’s different views...”



Ofsted March 2013

At St Margaret Clitherow School we are committed to Safeguarding Children

Jesus lives in us, our families, our school, our Church, our world. Jesus is our guide, let us follow Him

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HERTFORDSHIRE COUNTY COUNCIL

RESTRICTIVE PHYSICAL INTERVENTION IN SCHOOL

A Model School Policy

CONTEXT

Hertfordshire schools and educational establishments are encouraged to use this framework and to adapt it to their own situation.

It is advised that all schools should be familiar with the Hertfordshire Policy on the use of Restrictive Physical Intervention

The Policy is best placed within the school's Behaviour Policy, it will be part of a graded response, and needs to be agreed in consultation with staff, governors parents/carers, and pupils. The behaviour policy should aim at improving educational outcomes for all pupils by promoting and supporting their engagement with education. It also connects to, and should be consistent with, policies on Health and Safety, Child Protection and Safeguarding, Equal Opportunities, and Pastoral Care.

1. INTRODUCTION

In St Margaret Clitherow school we believe that pupils need to be safe, to know how to behave, and to know that the adults around them are able to manage them safely and confidently. Only for a very small minority of pupils will the use of physical intervention be needed. On such occasions, only acceptable forms of intervention are used.

The majority of pupils behave well and conform to the expectations of our school. We have responsibility to operate an effective behaviour policy that encompasses preventative strategies for tackling inappropriate behaviour in relation to the whole school, each class, and individual pupils.

All school staff need to feel that they are able to manage inappropriate behaviour, and to have an understanding of what challenging behaviours might be communicating. They need to know what options are available for managing behaviour, and they need to be free of undue worries about the risks of legal action against them if they use appropriate physical intervention. Parents need to know that their children are safe with us, and they need to be properly informed if their child is the subject of a Restrictive Physical Intervention, including the nature of the intervention, and the rationale for its use.

2. DEFINITION OF “RESTRICTIVE PHYSICAL INTERVENTION”

“Restrictive Physical Intervention” (RPI) is the term used to describe interventions where the use of force to control a person’s behaviour is employed using bodily contact. It refers to any instance in which a teacher or other adult authorised by the Headteacher has to use “reasonable force” to control or restrain pupils in circumstances that meet the following legally defined criteria.

- To prevent a child from committing a criminal offence (*this applies even if the child is below the age of criminal responsibility*)
- To prevent a child from injuring self or others
- To prevent or stop a child from causing serious damage to property (*including the child’s own property*)

There is no legal definition of “reasonable force”. However, there are two relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of an incident warrant it;
- The degree of force must be in proportion to the circumstances of the incident and the seriousness of the behaviour or consequences it is intended to prevent.

The definition of physical force also includes the use of mechanical devices (eg splints on the pupil prescribed by medical colleagues to prevent self-injury), forcible seclusion or use of locked doors. It is important for staff to note that, although no physical contact may be made in the latter situations, this is still regarded as a Restrictive Physical Intervention.

Legal defence for the use of force is based on evidence that the action taken was:

- Reasonable, proportionate and necessary
- In the best interest of the young person

This document takes into account DfE Guidance on Use of Reasonable Force July 2013 <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

3. WHEN THE USE OF RESTRICTIVE PHYSICAL INTERVENTIONS MAY BE APPROPRIATE IN ST MARGARET CLITHEROW SCHOOL

Restrictive Physical Interventions will be used when all other strategies have failed, and therefore only as a last resort. All staff should focus on de-escalation and preventative strategies rather than focusing solely on reactive strategies. However there are other situations when physical handling may be necessary, for example in a situation of clear danger or extreme urgency. Certain pupils may become distressed, agitated, and out of control, and need calming with a brief Restrictive Physical Intervention that is un-resisted after a few seconds.

The safety and well-being of all staff and pupils are important considerations. Under certain conditions this duty must be an over-riding factor.

WHO MAY USE RESTRICTIVE PHYSICAL INTERVENTION IN ST MARGARET CLITHEROW SCHOOL

The following staff (as well as the teachers employed at the school) are authorised by the Headteacher to have control of pupils, and **must** be aware of this Policy and its implications. However, non-inclusion on this list does not mean that an adult is necessarily barred from using physical intervention. If the Head has lawfully placed an adult in charge of children then that adult will be entitled to use restrictive physical intervention

We take the view that staff should not be expected to put themselves in danger and that removing other pupils and themselves from risky situations may be the right thing to do. We value staff efforts to rectify what can be very difficult situations and in which they exercise their duty of care for the pupils.

- Teachers
- All support staff
- Caretaker

4. PLANNING FOR THE USE OF RESTRICTIVE PHYSICAL INTERVENTIONS IN ST MARGARET CLITHEROW SCHOOL

Staff will use the minimum force needed to restore safety and appropriate behaviour.

When considering the use of restrictive physical intervention there are only 3 components that can be judged as wrong.

- A negative impact on the process of breathing
- Pain as a direct result of the technique
- A sense of violation

Elevated risks

The following can result in a sense of violation, pain or restricted breathing

- The use of clothing or belts to restrict movement
- Holding a person lying on their chest or back
- Pushing on the neck, chest or abdomen
- Hyperflexion or basket type holds
- Extending or flexing of joints (pulling and dragging)

The following can result in significant injury:

- Forcing a child up or down stairs
- Dragging a child from a confined space
- Lifting and carrying
- Seclusion, where a person is forced to spend time alone against their will (requires a court order except in an emergency)

The principles relating to Restrictive Physical intervention are as follows:-

- Restrictive Physical Intervention is an act of care and control, not punishment. It is never used to force compliance with staff instructions

- Restrictive Physical Intervention will only be used in circumstances when one or more of the legal criteria for its use are met
- Staff will only use it when there are good grounds for believing that immediate action is necessary and that it is in the pupil's and/or other pupils' best interests for staff to intervene physically.
- Staff will take steps in advance to avoid the need for Restrictive Physical Intervention through dialogue and diversion. The pupil will be warned, at their level of understanding, that Restrictive Physical Intervention will be used unless they cease the unacceptable behaviour
- Staff will use the minimum force necessary to ensure safe outcomes
- Staff will be able to show that the intervention used was a reasonable response to the incident
- Every effort will be made to secure the presence of other staff, and these staff may act as assistants and/or witnesses
- As soon as it is safe, the Restrictive Physical Intervention will be relaxed to allow the pupil to regain self-control
- A distinction will be maintained between the use of a one-off intervention which is appropriate to a particular circumstance, and the using of it repeatedly as a regular feature of school policy
- Escalation will be avoided at all costs, especially if it would make the overall situation more destructive and unmanageable
- The age, understanding, and competence of the individual pupil will always be taken into account
- In developing Individual Education/Behaviour Plans, consideration will be given to approaches appropriate to each pupil's circumstance
- Procedures are in place, through the pastoral system of the school, for supporting and debriefing pupils and staff after every incident of Restrictive Physical Intervention, as it is essential to safeguard the emotional well-being of all involved at these times.

5. ACCEPTABLE FORMS OF PHYSICAL INTERVENTION IN ST MARGARET CLITHEROW SCHOOL

- There are occasions when staff will have cause to have physical intervention (PI) with pupils for a variety of reasons, for example:
 - ❑ to comfort a pupil in distress (so long as this is appropriate to their age);
 - ❑ to gently direct a pupil;
 - ❑ for curricular reasons (for example in PE, Drama, etc);
 - ❑ First aid and medical treatment
 - ❑ in an emergency to avert danger to the pupil or pupils;
 - ❑ in rare circumstances, when Restrictive Physical Intervention is warranted.

- In all situations where physical contact between staff and pupils takes place, staff must consider the following:
 - ❑ the pupil's age and level of understanding;
 - ❑ the pupil's individual characteristics and history;
 - ❑ the location where the contact takes place (it should not take place in private without others present).

Physical contact is never made as a punishment, or to inflict pain. All forms of corporal punishment are prohibited. Physical contact will not be made with the participants neck, breasts, abdomen, genital area, other sensitive body parts, or to put pressure on joints. It will not become a habit between a member of staff and a particular pupil. [Should a pupil appear to **enjoy** physical contact this must not be sought via Restrictive Physical Intervention.]

6. DEVELOPING A POSITIVE HANDLING PLAN IN ST MARGARET CLITHEROW SCHOOL

If a pupil is identified for whom it is felt that Restrictive Physical Intervention may be a likely result, then a Positive Handling Plan will be completed. This Plan will help the pupil and staff to avoid difficult situations through understanding the factors that influence the behaviour and identifying the early warning signs that indicate foreseeable behaviours that may be developing. The plan will include:-

- ❑ involving parents/carers and pupils to ensure they are clear about what specific action the school may take, when and why
- ❑ a risk assessment to ensure staff and others act reasonably, consider the risks, and learn from what happens
- ❑ a **record** to be kept in school of risk reduction options that have been examined and discounted, as well as those used
- ❑ techniques for managing the pupil's behaviour i.e. strategies to de-escalate a conflict, and stating at which point a Restrictive Physical Intervention may be used
- ❑ identifying key staff who know exactly what is expected. It is best that these staff are well known to the pupil
- ❑ ensuring a system to summon additional support
- ❑ identifying training needs

7. GUIDANCE AND TRAINING FOR STAFF

Guidance and training are essential in this area. We need to adopt the best possible practice. In St Margaret Clitherow school this is arranged for all staff at a number of levels including :-

- awareness of issues for governors, staff and parents,
- behaviour management techniques for all staff
- managing conflict in challenging situations - all staff

Training in practical techniques of Restrictive physical intervention may be required for staff where there is a significant likelihood of them needing to intervene physically due to the nature of the pupil (or pupils) that they are working with. Where there is an identified need for such training, staff will be trained by an approved instructor. (NB there is no legal requirement for staff to be trained in the use of practical techniques

so staff may exercise their legal right to physically intervene even if they have not had such training. However, they would still need to demonstrate that their intervention was reasonable and proportionate).

Hertfordshire Steps is the local authorities preferred approach to supporting positive behaviour management in schools and services.

Hertfordshire Steps training covers two distinct developmental areas:

“**Step On**” – is a therapeutic approach to behaviour management, with an emphasis on consistency, on teaching internal discipline rather than imposing external discipline and on care and control, not punishment. It uses techniques to de-escalate a situation before a crisis occurs and, where a crisis does occur, it adopts techniques to reduce the risk of harm.

“**Step Up**” – provides training on elements of restrictive physical intervention and personal safety. This training can only be provided within services where staff have already completed ‘Step On’ training and are still within certification. ‘Step Up’ training is only delivered where there is an audited need with an individual young person.

8. COMPLAINTS

It is intended that by adopting this policy and keeping parents and governors informed we can avoid the need for complaints. All disputes which arise about the use of force by a member of staff will be dealt with according to Child Protection and Safeguarding policies.

ANNEX1. Positive Handling Plan

For assessing and managing foreseeable risks for children who are likely to need Restrictive Physical Intervention

School:

Name of child:

Class group:

Name of teacher:

Name of parents/Carers:

Name of Support Service Member/s:

Identification of Risk	
Describe the foreseeable risk (ie what specific behaviours have occurred)	
Is the risk potential or actual? (ie has this happened before)	
List who is affected by the risk	
Assessment of Risk	
In which situations does the risk occur?	
How likely it is that the risk will arise? (ie how often has it happened before?)	
If the risk arises, who is likely to be injured or hurt?	
What kinds of injuries or harm are likely to occur?	
How serious are the adverse outcomes?	

Assessment completed by:

Signature: **Date:**

Agreed Positive Handling Plan and School Risk Management Strategy

Focus of measures	Measures to be employed	Level of risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		

Agreed by:

Date:

.....
(Parent/carer)

.....

.....
(Child - if appropriate)

.....
(Headteacher)

.....
(Classteacher)

.....
(Support Service Member/s)

.....

Communication of Positive Handling Plan and School Risk Management Strategy

Plans and strategies shared with:	Communication Method	Date Actioned

Staff Training Issues

Identified training needs	Training provided to meet needs	Date training completed

Evaluation of Positive Handling Plan and School Risk Management Strategy		
Measures set out	Effectiveness in supporting the child	Impact on risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		
ACTIONS FOR THE FUTURE		

Plans and strategies evaluated by:

Title:

.....

.....

Date:

.....

[Adapted from DfES document]

ANNEX2.

**Hertfordshire's Policy on Physical Intervention in
schools**

IN ST MARGARET CLITHEROW SCHOOL

**HERTFORDSHIRE'S POLICY
ON PHYSICAL INTERVENTION IN SCHOOLS**

September 2010

Reference Points

- Education and Inspections Act 2006 (Section 93)
- DfES Circular 10/98
- Use of Force Guidance '*The use of force to control or restrain pupils*' – non-statutory guidance, DCSF 2007 (supersedes Circular 10/98) see www.teachernet.gov.uk/wholeschool/sen/piguide

Contact Point:

Schools seeking advice on the use of physical intervention should contact Dr. Tony Mackin, Interim Head of Access to Education on:

Email: tony.mackin@hertsc.gov.uk

Phone: 01992 556871

Comnet: 56871

Mobile: 07789 747504

The Purpose of this policy

- To ensure that CSF, schools and settings have fully discharged their duty of care to students, children and employees.
- To provide a framework for the management of physical interventions that is legal, effective, safe, appropriate and proportionate.

Positive Physical Contact

There are occasions where there may be physical contact between staff and pupils other than when adults are physically intervening to prevent serious misbehaviour.

Staff and adults need to be aware of sensitivities of any form of physical contact with children/pupils. However, contact between children and adults might be appropriate for a variety of reasons, including:

- Holding hands with a small child in the playground
- Calming/reassuring/comforting contact with a child that upset or injured
- A gentle touch on the arm to re-focus attention
- Guiding (without force) a pupil/child away from a situation or location.

Any physical contact has to be managed in order to make sure that it is appropriate and leaves neither party vulnerable to allegations of abuse. Factors to consider might include:

- Knowledge of the child, e.g. history/background
- Age (and age difference) – of child and adult
- Context – where, when, why
- Relationship between staff member and child
- Gender

Planned physical intervention can be viewed as positive, because it is committed to keeping children and adults safe and included in all settings.

What the law says about restrictive physical intervention:

School staff can use such force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- Committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- Causing personal injury to, or damage to the property of, any person (including the pupil him/herself); or

- Prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.

Definitions of ‘school staff’:

- Any teacher who works at the school; and
- Any other person whom the head has authorised to have control or charge of pupils.
This:
 1. includes support staff whose job normally includes supervising pupils, such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors.
 2. can also include people to whom the head has given temporary authorisation to have control or charge of pupils, such as paid members of staff whose job doesn’t normally involve supervising pupils (e.g. catering or premises staff) and unpaid volunteers (e.g. parents accompanying pupils on school-organised visits).
 3. does NOT include prefects or any other pupils .

This power may be used where a pupil (incl. one from another school) is on school premises or in the lawful control or charge of the member of staff – e.g. on a school visit.

Reasonable force:

- There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force would need to be in proportion to the consequences it is intended to prevent.
- The degree of force should be the minimum needed to achieve the desired result.
- Use of force could not be justified to prevent trivial misbehaviour. However, deciding whether misbehaviour is trivial also depends on circumstances e.g. running in a corridor crowded with small children may be considered dangerous.
- Proper account must always be taken of any particular special educational need and/or disability that a pupil might have – there are 2 key duties under the Disability Discrimination Act:
 1. not to treat a disabled pupil less favourably, for a reason relating to his/her disability, than someone to whom that reason does not apply, without justification; and
 2. to take reasonable steps to avoid putting disabled pupils at a substantial disadvantage to pupils who are not disabled (reasonable adjustments).

The statutory power described above is in addition to the common law power of any citizen - in an emergency - to use reasonable force in self-defence, to prevent another person from being injured or committing a criminal offence. *NB There is NO legal requirement for practical training in techniques of physical intervention.* When dealing with an emergency, any adult who is lawfully placed in charge of pupils by a Head Teacher can use reasonable and proportionate physical intervention even if he/she has had no prior training.

Reasonable force may also be used to search pupils, without their consent, for weapons, however, schools are strongly advised not to search pupils where resistance is expected, but to call the police.

It is always unlawful to use force as a punishment.

Policy Management and Guidance:

Schools must have a policy on the use of reasonable force to control or restrain pupils. This policy should have regard to the documents listed in the Reference Points above. It is good practice for governors, staff, pupils and those with parental responsibility to be consulted about the policy and for the policy to be approved formally by the Governing Body and made known to all stakeholders either as part of the school's behaviour policy or separately. Appropriate account should be taken of the needs of individual pupils with SEN and/or disabilities including 'fragile' pupils.

The DCSF Guidance (2007) contains some explicit key messages:

- Strong emphasis on staff training in de-escalation strategies alongside physical intervention skills – this should include support staff, lunchtime supervisors etc.
- Acknowledges the potential for injury to children/pupils and staff involved in physical intervention responses
- Schools should have a policy on the use of reasonable force to control pupils, alongside the behaviour policy
- No school should have a policy of 'No Physical Contact' (schools cannot deprive staff of their statutory power or hinder their exercise of it.)
- All staff need to understand their powers and options open to them – what is acceptable and what is not

Reference to the policy on the use of force to control or restrain pupils should be made in the information, which the school gives to parents about its policy on discipline and standards of behaviour.

Pupils with SEN and/or disabilities:

Where a school is aware that an individual pupil may be at greatest risk of needing restrictive physical interventions, it should be planned for in consultation with the pupil and his/her parents, following an individual risk assessment. A model risk assessment form can be found as an annex to the "Restrictive Physical Intervention model policy" for schools, see: <http://www.thegrid.org.uk/learning/behaviour/policies/>

- The positive handling plan should set out the techniques that should be used, and those that shouldn't normally be used
- The plan should be compatible with the pupil's statement and properly documented with the pupil's records.
- As far as practically possible, make staff who come into contact with the pupil aware of the relevant information in the plan, i.e.
 - Triggers known to provoke difficult behaviour, preventive strategies & what de-escalation tactics most likely to work
 - Triggers known to provoke a violent reaction, including relevant information relating to similar incidents in the past
 - Where physical intervention likely to be needed, detail specific strategies & techniques that have been agreed by staff, parents and pupil.
 - Decide which staff members should be called for the individual pupil concerned – not necessarily to take the action, but to be involved in the follow-up process.

- Pupils known to be at risk should be taught how to communicate in times of crisis and what strategies they can use. All staff working with the pupil should be made aware of these strategies.

Risk assessments:

Schools are advised to assess the frequency and severity of incidents requiring use of force that are likely to occur in their schools and use these assessments to inform staff training.

Schools should seek to provide initial and refresher training for staff on the behaviour management policies and codes of conduct determined by the school. In particular, staff should be given the clearest possible judgement about what situations the school considers justify physical intervention. *DCSF 'Use of Force Guidance' 2007 gives some useful examples.*

Schools should actively review such training and its relevance on a regular basis as part of the Behaviour Management Policy, of which the use of physical intervention should form only a part. Individual risk assessments should highlight specific areas for training. If there is a significant risk that staff may need to use physical intervention then the school should consider providing them with training in practical techniques of safe physical intervention from a trainer associated with an accredited training organisation. Further information about practical training can be obtained from the Head of Access to Education (contact details above).

NB there is no legal requirement for staff to be trained in the use of practical techniques so staff may exercise their legal right to physically intervene even if they have not had such training. However, they would still need to demonstrate that their intervention was reasonable and proportionate.

Situations where staff should not normally intervene without help:

Help may sometimes be needed in dealing with a situation involving an older pupil, a large pupil, more than one pupil, or if the authorised member of staff believes s/he may be at risk of injury. For such situations, staff need to have an agreed system of communication for summoning help quickly. The member of staff should also take steps to remove other pupils who might be at risk.

Recording and Reporting Incidents:

Schools are strongly advised to keep systematic records of every significant incident in which force has been used. Such records can be used to provide evidence of defensible decision-making in case of a subsequent complaint or investigation. The DCSF guidance above provides a model recording form.

When recording such incidents, staff should bear in mind that, if this information is passed to the police, it may be included in a Criminal Records Bureau disclosure. Schools should retain records of such incidents until the member of staff involved has reached retirement age or for 10 years from the date of the allegation if that is longer.

After any recordable incident, it is good practice to ensure that parents are informed as soon after the event as possible. (However, there is no longer a statutory requirement to do this). Governors should also be informed in due course.

Any injuries to staff or pupils should be reported under the school's Health & Safety procedures

Dealing With Complaints and Allegations:

If a specific allegation of abuse is made against a member of staff then the school needs to follow the guidance set out in its child protection procedures