

CROMWELL ACADEMY
POLICY AND GUIDANCE ON THE USE OF PHYSICAL INTERVENTION TO MANAGE BEHAVIOUR

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1.0 PURPOSE OF DOCUMENT

- 1.1** This document replaces and updates the information and guidance in Guidance on Physical Intervention for Teachers and Other Employees working with Young People (Cambridgeshire County Council 1998) and Cambridgeshire County Council Policy and Guidance for Schools on the use of Physical Intervention to Manage Behaviour (April 2006).
- 1.2** DfES/DH joint guidance (DfES guidance LEA/0242/2002) emphasises the importance of clear and consistent policies in relation to restrictive physical interventions.
- 1.3** This document applies to all Cambridgeshire County Council's maintained primary and secondary mainstream schools; special schools, pupil referral units, specialist centres and specialist units.
- 1.4** Cambridgeshire County Council's policy is designed to reflect an ethos of respect, care and safety in its schools by:
- providing schools with guidance on the circumstances in which positive and protective handling strategies may be appropriately used, procedures that should be in place and the techniques which are considered suitable

- ensuring that staff are clear about their roles when they are working with pupils in order that both their own rights and those of the pupils are protected
- promoting a coherent, consistent and co-ordinated approach across different schools
- providing a framework within which schools can develop their own individual policies
- forming a process for monitoring the implementation of policies in schools
- providing advice to schools on how to monitor and evaluate their own use of physical intervention

Introduction

The majority of pupils in Cambridgeshire schools do not behave in an aggressive or violent way and they attend school in environments that are conducive to learning. However, Cambridgeshire County Council and unions representing staff in Cambridgeshire schools acknowledge that there is a minority of pupils whose varied types and degrees of behaviour can be classed as 'challenging'. Strategies for dealing with such behaviour need to be equally varied and matched to particular circumstances and individual needs.

It is both DCSF and Local Authority policy that the use of Restrictive Physical Intervention should be avoided wherever possible. Nonetheless, it is acknowledged that there will be occasions when this is necessary but it should always be reasonable and proportional to the circumstances.

There are links to the Inclusion Agenda in that the difficulties associated with the management of aggressive or violent outbursts are sometimes seen as a major barrier to inclusion and can be a reason for exclusion. However, appropriate training in positive handling strategies is an opportunity to introduce holistic approaches to behaviour management, thereby both encouraging appropriate inclusion and offering a wider portfolio of strategies for staff in all settings. It is no part of the Cambridgeshire County Council's Policy, however, to expose staff to unreasonable risks in schools for which they have not been appropriately trained. A Good Practice Checklist for Physical Intervention is contained in Appendix 1.

The Legal Context

Sections 10 – 17 of the Education and Inspections Act 2006 set out what the law says and are given below:

10. Section 93 of the Education and Inspections Act enables school staff to use force such as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- a. committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- b. causing personal injury to, or damage to the property of, any person including the pupil himself; or
- c. 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.

11. The staff to which this power applies are defined in section 95 of the Act. They are:

- a. any teacher who works at the school, and
- b. any other person whom the head has authorised to have control or charge of pupils. This:
 - i) includes support staff whose job normally includes supervising pupils, such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors
 - ii) 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 does not normally involve supervising pupils (for example catering or

premises-related staff) and unpaid volunteers (for example parents accompanying pupils on school-organised visits).

iii) does not include prefects

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

13. 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 used would need to be in proportion to the consequences it is intended to prevent. The degree of force used 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. For example, running in a corridor crowded with small children may be dangerous enough not to be regarded as trivial.

14. Those exercising the power to use force must also take proper account of any particular special educational need (SEND) and/or disability that a pupil might have. Under the Disability Discrimination Act 1995 schools have two key duties:

- a. not to treat a disabled pupil less favourably, for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification; and
- b. to take reasonable steps to avoid putting disabled pupils at a substantial disadvantage to pupils who are not disabled (known as the reasonable adjustments duty).

15. The statutory power conferred by section 93 of the Education and Inspections Act 2006 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. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is only available to people authorised to have control or charge of pupils. On preventing other types of criminal offence, section 93 provides essential clarification. It is by no means clear that all the behaviours that prejudice school discipline are also criminal offences and most primary pupils are below the age of criminal responsibility. So section 93 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

16. Reasonable force may also be used in exercising the statutory power, introduced under section 45 of the Violent Crime Reduction Act 2006, to search pupils without their consent for weapons. This search power applies to head teachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force could be used by the searcher and/or second person required to be present at a search. However the Department strongly advises schools not to search pupils where resistance is expected, but rather to call the police. See sections 4(f), 9 and 13 of the guidance on weapons searching at:

www.teachernet.gov.uk/wholeschool/healthandsafety/schoolsecurity

17. **It is always unlawful to use force as a punishment.** This is because it would fall within the

definition of corporal punishment, abolished by section 548 of the Education Act 1996.

Underpinning Principles

There are 4 main principles underpinning any physical intervention:

- Restrictive Physical Interventions should, wherever possible, be avoided.
- There are occasions when the use of such interventions would be appropriate.
- Such interventions should always be reasonable and proportional to the circumstances.
- When restrictive physical interventions are necessary, they should recognise the need to maintain the dignity of all concerned as well as always being intended to preserve their safety.

Definitions

In considering the use of reasonable force to control and or restrain pupils it is essential that there is clarity about the terms that are used to describe physical interventions which range from non-restrictive to restrictive (see paras 6.1 and 7.2). For the purposes of this policy and guidance the following definitions for physical intervention will be used:

- **escorting** (non-restrictive) - manual guiding to assist a person walking.
- **holding** (more restrictive) - to assert authoritatively. The degree of force used in relation to the level of co-operation and compliance being displayed by the child or young person determines when holding becomes restraining.
- **restrictive physical intervention** - physical control as defined by the application of reasonable force designed to prevent movement or mobility or to disengage from dangerous or harmful physical contact.

Interventions can be planned or unplanned and can be described as follows:

- **planned interventions** are those that are agreed in advance by those working with the pupil and described in writing as part of a broader strategy for responding to the pupil's behavioural difficulties
- **unplanned interventions** are those used in emergency situations (i.e. situations which could not reasonably have been anticipated) where the consequences of the intervention are intended to be less severe than those which might have occurred without the use of physical intervention.

In addition, it is important to have clarity when using the following terms in an agreed individual behaviour management plan:

- **withdrawal:** where a pupil is removed from a situation or area and is observed and supported by staff. This is an early, positive intervention strategy and would include 'cooling off, thinking time or calming time.' It could also be used to describe internal exclusion.
- **time out:** the DfES Document LEA/0242/2002 describes 'time out' as restricting the pupil's access to all positive reinforcement as part of a planned behaviour programme. This is a sanction and would be a response to an identified behaviour such as swearing, abusive language, hitting or kicking etc. It is recommended that this term is only used in this context in behaviour plans.
- **seclusion:** when a pupil is required to spend time alone against their will, thereby restricting their freedom of movement. For the most part this would only apply to

residential settings if there was a secure accommodation order in place under section 25 of the Children Act 1989. In very exceptional circumstances, under general emergency powers seclusion could be used as in short term response if there was a general threat to the child's health and welfare or that of any other person. Other than as a short term response to an emergency (e.g. following a violent altercation) it is not permissible to require children to be isolated in a room without contact - such an action would be illegal.

Circumstances in which Restrictive Physical Intervention may be used

There are a wide variety of incidents in which reasonable and proportional force might be appropriate, or necessary, to control or restrain a pupil. Decisions on whether to use force must depend on judgement about:

- a. the seriousness of the incident, as judged by the effect of the injury, damage or disorder which is likely to result if force is not used;
- b. the chances of achieving the desired result by other means
- c. the relative risks associated with physical intervention compared with using other strategies.

Examples of situations

- a. a pupil attacks a member of staff, or another pupil;
- b. pupils are fighting, causing risk of injury to themselves or others;
- c. a pupil is committing, or on the verge of committing, deliberate damage to property;
- d. a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- e. a pupil absconds from a class or tries to leave school other than at an authorised time. Refusal of a pupil to remain in a particular place is not enough on its own to justify use of force. It would be justifiable where allowing a pupil to leave would:
 - i) entail serious risks to the pupil's safety (taking into account age and understanding), to the safety of other pupils or staff, or damage to property, or
 - ii) lead to behaviour that prejudices good order and discipline, such as disrupting other classes;
- f. a pupil persistently refuses to follow an instruction to leave a classroom;
- g. a pupil is behaving in a way that seriously disrupts a lesson; or
- h. a pupil is behaving in away that seriously disrupts a school sporting event or school visit.

Sometimes an authorised member of staff should not intervene in an incident without help (unless it is an emergency). For example, help is likely to be needed in dealing with an older

pupil, a large pupil, more than one pupil or if the authorised member of staff believes he or she may be at risk of injury. In these circumstances he or she should take steps to remove other pupils who might be at risk and summon assistance from other authorised staff.

The Nature of Physical Intervention

Before using force staff should, wherever practicable, tell the pupil to stop misbehaving and communicate in a calm and measured manner throughout the incident. Staff should not give the impression of acting out of anger or frustration, or to punish a pupil, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

The types of force used could include:

- a. passive physical contact resulting from standing between pupils or blocking a pupil's path;
- b. active physical contact such as:
 - i) leading a pupil by the hand or arm;
 - ii) ushering a pupil away by placing a hand in the centre of the back;
 - iii) in more extreme circumstances, using appropriate restrictive holds, which may require specific expertise or training.

Where there is high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of using minimum force required to achieve the desired results). Such situations could include preventing a pupil running off the pavement onto a busy road or hitting someone with a dangerous object such as a glass bottle or hammer.

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a pupil.

Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

There is no legal definition of **reasonable and proportional** force, however, consideration of what constitutes reasonable force will always depend on all circumstances in the case. In determining what constitutes reasonable force the following factors need to be taken into account:

- the age and / or any special educational needs of the pupil plus any risk to the member of staff. For example, there will be differences between the reactions to primary and secondary aged pupils in that a pupil absenting himself from a secondary class might not be prevented from doing so whereas this might not be the case at primary level.
- the use of any degree of force is unlawful if it cannot be regarded as reasonable in the circumstances of the particular incident. Therefore, the use of force to prevent a pupil from committing a trivial misdemeanour or where resolution of the issue could be achieved without the use of force cannot be justified.

- for the degree of force employed to be regarded as reasonable, it must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequence it is intended to prevent. Any use of force must always be the minimum required for the desired result.
- where force is applied it should be done in a manner that attempts to reduce rather than provoke a further aggressive reaction.
- the number of staff involved should be the minimum necessary to control/restrain the pupil, whilst minimising the risk of injury to all parties.
- where the use of force is self-defence. If a person had done only what he or she honestly and instinctively thought was necessary in the moment that would be the most potent evidence that only reasonable force was used. Where such decisions are taken honestly and instinctively it is unlikely that the Courts or the County Council would attempt to 'second guess' them.

Staff should **not** act in a way that might reasonably be expected to cause injury. The following holds should **not** generally be used other than in the most extreme emergency. This is when emergency action is needed to prevent the risk of **serious** injury or loss of life (e.g. to prevent a pupil running on to a busy road or to stop an extremely violent assault on one pupil by another pupil). Actions that could cause injury are:

- holding a pupil around the neck, by the collar, or in any other way that might restrict airways and circulation.
- slapping, punching or kicking
- twisting or forcing limbs against a joint
- tripping a pupil
- holding a pupil or young person by the hair or ear
- holding a pupil face down on the ground

Any degree of force is unlawful if the circumstances do not warrant the use of force.

The DCSF/DOH provides additional guidance in physical intervention with pupils who display extreme behaviour in association with learning disability and/or autistic spectrum disorders. This is relevant to special mainstream schools with such pupils. This document is available at: www.teachernet.gov.uk/wholeschool/sen/piguide

The general guidance that follows is relevant to all schools. Schools need to ensure that their policy and practice on use of force takes proper account of the particular special educational needs and disabilities that their pupils may have. Under the Disability Discrimination Act 1995 the responsible body for a school has a duty to take reasonable steps to ensure disabled pupils are not placed at a substantial disadvantage in comparison with pupils who are not disabled in their access to education and associated services (sometime referred to as the duty to make reasonable adjustments). This duty should not mean over-compensation. The general principles underlying the school's policy should apply to all pupils.

When reaching a decision about using force in a particular situation, staff will need to take into account relevant factors related to any special educational needs or disabilities the particular pupil may have.

The judgement on whether to use force and what force to use should always depend on the precise circumstances of each case and – crucially in the case of such pupils – information about individual concerned. So schools should:

- a. make sure that the Special Educational Needs coordinator is involved in developing the school's policy and practice on the use of force.
- b. as far as practically possible, make all staff aware of the relevant characteristics of individual pupils, particularly:
 - i) what de-escalation techniques are most likely to work; and
 - ii) what is most likely to trigger a violent reaction
- c. designate staff to be called if incidents related to particular pupils occur. This does not necessarily mean waiting for them to arrive before taking action if the need for action is urgent. But they should always be involved in post-incident follow-up.
- d. for a pupil at specific physical risk (for example, with a condition that makes them fragile), remind all staff periodically of the responses that must be used (some schools use a special risk assessment format to record and communicate such information).
- e. teach pupils who are at risk how to communicate in times of crisis and strategies to use in a crisis (such as using a cool-off base).

The use of **ground recovery holds (supine and prone restraint)** should only be used in exceptional circumstances and when all other techniques have either been tried and failed or the judgement of staff is that it is the only way to safely control extremely aggressive and challenging behaviour. **It is unlikely that such restraints would ever be used in a mainstream setting.** Additional guidance on this will be provided for special school settings.

These techniques must only be used by staff that have been taught how to use them and such training is in addition to the normal Team Teach courses provided by Cambridgeshire County Council.

These techniques must not be confused with methods for raising children from the floor – these strategies can be gained by attending relevant training sessions.

(Further information from SEND Inclusion Training - tel. 01480 372316)

Assessing and Managing Risk

Assessing and managing risk must be central to the process of deciding whether to use restrictive physical intervention and to ensuring that it is both reasonable and proportional to the circumstances.

Where it is known that a pupil is likely to present severe behavioural difficulties, a formal risk assessment (see Appendix 2) will assist staff in judging the risks and benefits of any proposed intervention for staff, the pupil concerned and others. This assessment must be both available, and shown, to all staff that would, or may, be involved with that pupil.

Risk assessment involves consideration of actual and potential risk and should cover:

- the context – trying to predict the situations in which incidents may / do occur
- probability – estimating how likely it is that the behaviour will occur
- seriousness
- risk reduction options

The information from the above should result in an agreed behaviour management plan that is communicated to:

- the pupil
- his / her parents / carers
- school staff

Individual risk assessment and behaviour management plans must be reviewed regularly. The frequency of review will be determined on an individual basis and so could be weekly, monthly, or termly.

Sample proforma for recording risk management and a behaviour management plan are provided in Appendices 2 and 3 respectively.

Authorised Staff and Responsibilities of the Head Teacher

For legislation relating to staff authorised to use force please see section 3.0 above.

The head teacher should:

- i. explicitly inform the people concerned of their responsibilities and ensure that they understand what authorisation entails, and
- ii. keep an up-to-date record of these people and ensure that permanently authorised staff (i.e. staff whose job involves supervising pupils) know who they are.

Staff Training

It is important that the Head teacher or a member of the Leadership Team has a detailed understanding of the issues surrounding physical intervention and Team Teach. **At least one member of the leadership team must have attended relevant training on physical intervention and there is no need for them to accompany other staff members on training courses if this training is kept updated according to the guidelines in Appendix 4.**

All staff who are likely to use restrictive physical interventions must be appropriately trained in their use. The responsibility to ensure that this happens lies with the Governing Body.

Cambridgeshire County Council promotes the use of:

- **TEAM-TEACH:** Techniques that are Effective with Anger and Aggression Management utilising Therapeutic Educational Awareness Communication Handling strategies. This training programme is accredited by BILD (British Institute of Learning Disabilities).
- The County Council has a team of Team Teach tutors and provides school-based and central courses appropriate for both mainstream and special schools.
- Schools adopting TEAM-TEACH should ensure that their staff receive training by a person authorised by the County Council, or enable a member of their own staff to become an accredited TEAM-TEACH tutor.
- School staff and tutors are required to update their skills in line with the TEAM-TEACH

requirements. A table showing the requirements for refreshing training is contained in Appendix 4.

- Headteachers are responsible for ensuring that the training of their staff is re-accredited according to the TEAM-TEACH guidelines, if restrictive physical intervention is still required in the school setting. Similarly, the managers of central services are responsible for ensuring the re-accreditation of their staff.
- The responsible officer within the County Council (i.e. the Director of Enhanced Services) must ensure that the training of tutors is refreshed in line with the TEAM-TEACH guidelines.
- A database of those having received training is held centrally by the County Council.

The head teacher should maintain an up to date and accurate record of those staff authorised to use restrictive physical intervention strategies as well as the training they have received. A list of trained non-teaching staff should be displayed in the headteacher's office and it is also good practice to include trained teaching staff.

Recording and Reporting

For any incident involving the use of physical intervention a written record of the incident must be made as close as possible to the time of its occurrence, ideally immediately following the event. The record should include:

- the name(s) of the pupils involved.
- the name(s) of all staff involved including witnesses.
- when and where the incident occurred.
- the reason that physical intervention was used, the degree of the force used and the type of hold applied.
- the antecedents, details of incident including what was said and length of incident and pupil response.
- outcome of intervention, including recovery period .
- details of any injuries including marks to the skin.
- details of damage to property.
- opportunity for pupil to comment.

The report should be kept securely within the school and individual staff should retain a copy for their own use.

Schools should retain permanent records of these incidents in the Physical Intervention Record Book.

The record should be used to assist all concerned with planning to avoid repetition of the incident that caused an intervention with the use of force. Similarly the record should be used to analyse what worked well and how it might be replicated as part of a planned response to out of control behaviour in the future. The outcome of all such planning should be summarised in a written support plan that is shared with the pupil and their parents or carers.

Similarly, a written record must also be made at the time of the incident, or immediately following it by any other members of staff involved (i.e. as witnesses or additional providers of support). The record must be signed and dated.

Parents/carers should be informed of any incident as soon as possible after events have calmed. If they can be contacted this should occur on the day of the incident, ideally before the pupil arrives home.

Staff involved in an incident should be provided with support. Staff should be asked if they need time to reflect upon their involvement in the incident and calm themselves before continuing with their duties.

Similarly, pupils involved in an incident will need time to calm down and reflect upon their part in it. They should be given an opportunity to comment on their experiences of the positive handling incident

It is important that pupils are provided with the opportunity to consider alternatives to the behaviour that caused the incident in order to promote the necessary learning from the incident to support changes in behaviour that might help to prevent a recurrence.

It is important that the pupil and member(s) of staff involved have immediate access to a first aider for any signs of injury after each incident.

All injuries must be recorded. When injuries are sustained Health and Safety Incident Form - IRF(96) 1/99 - must be completed and returned to Cambridgeshire County Council's Health and Safety Advisory Group (address is on the form). Alternatively the form can be completed online.

In the case of incidents involving violent assaults on school staff, pupils or visitors, advice should be sought from an Education Officer and reported to the police.

School Policy

The governing body must produce a policy (a model school policy is to be found in Appendix 5) setting out the guidelines about the use of force to control and/or restrain pupils, stating how the policy will be implemented, monitored and evaluated.

This should detail the manner and circumstances in which reasonable force may be used.

All members of staff, who may have to intervene physically to manage the behaviour of pupils, must clearly understand the options and strategies open to them. They must know and understand what is acceptable and what is not.

The governing body, parents, carers and pupils, should be made aware of the contents of the policy and the reporting back to parents through the annual school profile.

When schools give information to parents/carers about the policy on discipline and standards of behaviour they should also inform them about the policy relating to the use of physical interventions to manage behaviour, a copy of which should be available on request.

Parents/carers should always be informed about the School's Policy on Physical Intervention when the policy is first introduced and thereafter there should be a section in the school brochure about the school's legal obligations to provide a safe environment and the possible use of physical intervention, as a last resort.

After a risk assessment (Appendix 2), parents/carers should always be involved and agree the specific techniques of physical intervention to be used with their child as part of his / her behaviour management programme. (See Appendix 3 for proforma)

Parents/carers should always be informed in writing after an emergency or unplanned intervention.

Monitoring

Monitoring Incidents at School level.

Use of physical intervention in school must be monitored. This will help staff learn from experience, promote the well being of pupils in their care and provide a basis for appropriate support. Monitoring information will help schools to determine what specialist help is required for pupils.

Information on trends and emerging problems must be shared within the school.

Monitoring information (number of incidents / injuries; feedback from external agencies including officers of the County Council, implications for practice) must be reported on a regular basis to the governing body.

Any injuries resulting from the use of physical intervention must be recorded and reported to the CCC Health and Safety Advisory Group - see paragraph 10.8 in this policy document. The Health and Safety Advisory Group will alert the Director of Enhanced Services to any evidence of clusters of incidents within a particular school.

The School's SIP (School Improvement Partner) and/or another LA officer may monitor the school's Physical Intervention Record Book. **These books may also be required as evidence in any legal action and must therefore be retained.**

The IRF (96) and Physical Intervention Record book may also be reviewed during an Ofsted inspection.

Monitoring Training

The actual delivery will be quality assured by ensuring that:

- all tutors have attended tutor training courses appropriate to those they are delivering to school staff and that training is refreshed and maintained according to TEAM-TEACH procedures
- all course participants will complete an evaluation form at the end of the training session and these will be collected by the tutors for analysis and reported to the Director of Enhanced and Preventative Services on an annual basis.
- ten percent of all courses will be monitored by County Council officers on 2 levels: presentation (pace, confidence and interaction) and knowledge of / demonstration of physical techniques. This analysis will also be reported to the Director of Enhanced and Preventative Services on an annual basis
- Follow-up questionnaires will be completed after delivery of school in-house courses in order to assess the impact and efficacy of the training.

Complaints

All staff must be made aware that any use of physical intervention including the use of force may lead to complaints. In serious cases, these could include allegations of assault or offences that might need investigation under Child Protection Procedures. In such circumstances teachers, authorised volunteers and non-teaching staff members will be entitled to refer to this guidance and the provisions in justifying their actions.

Staff and volunteers who follow the guidance in this document and ensure that their actions are always proportionate to an incident and not the result of an emotional or angry response to a provocative act will be in a good position to demonstrate the reasonableness of their actions in any subsequent investigation.

Parents and pupils have a right to complain about actions taken by school staff, including the use of force. Schools must make that clear. The school's complaints procedure is normally set out in the school's published prospectus or website. The DCSF provides a toolkit to help schools formulate and review their complaints procedures (LEA/0180/2003) It can be downloaded from: www.governor.net.co.uk

Following an incident, an early discussion with parents to make clear the school policy and the reasons for the actions taken will minimise the chances of a complaint – but this is unlikely to prevent all complaints. A dispute might lead to a formal complaint to the school or even the police.

In such circumstances it would be for the head teacher and then the governors' panel (or, if there was a prosecution, the court) to decide whether the use and degree of force was reasonable in all the circumstances. In doing so, they would be likely to take account of the school's policy on the use of force and whether that had been followed.

Parents or pupils sometimes complain to the police about unreasonable use of force. Such allegations may be referred to the Local Safeguarding Children Board. The school policy and the degree to which it had been followed will be at the core of any subsequent investigation.

It would be good practice for the school to record allegations and the outcomes of any investigation.

Further Advice

Further general advice relating to the contents of this document is available from Jane Ryder Richardson, Head of Access (Tel: 01223 717941)

Advice and information on staff training is available from the SEND Inclusion training (Tel. 01480 372316)

USEFUL REFERENCES

1. "Physical Interventions – A Policy framework" BILD
ISBN 1-873791-32-1
2. BILD Code of Practice for the use of physical interventions
A guide for trainers and commissioners of training
ISBN 1 902518 00 1
3. DCSF Education and Inspections Act 2006 Section 93 – The Use of Force To Control or Restrain Pupils
4. DfES/DOH Guidance on the Use of Restrictive Physical Interventions for Staff working with Children and Adults who Display Extreme Behaviour

Cromwell Academy – Policy and Guidance on the use of Physical Intervention to Manage Behaviour
Autumn 2016

Review Date: Autumn 2017

in Association with Learning Disability and/or Autistic Spectrum
Disorders (LEA/0242/2002)

5. DfES Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (LEA/0264/2003)

APPENDIX 1

Good Practice Checklist for Physical Intervention

To create a safe teaching environment

A. Ethos

1. Are staff and pupil well-being promoted in the school to ensure a safe environment?
2. Do you work in partnership with parents / carers and the pupil and record your evidence of meetings and outcomes?

B. Procedures

3. Does the pupil have a special educational needs statement and / or have the needs identified matched the provision put in place?
4. In the case of a pupil(s) who is / are believed to present a risk of behaviour that might place others at risk if not appropriately managed, has a risk assessment been completed with information from all staff involved with the pupil to decide a school risk management strategy?
5. Do all the staff consider risk reduction options related to curriculum access?
6. Do all the staff have access to the information in the risk assessment and consider the implications of this information in helping to secure a safe environment?
7. Do you have a Physical Intervention Record book provided by the County Council to keep records of all your planned and unplanned physical interventions?
8. Does the school have a process for monitoring the use of unplanned and planned physical intervention with reports to the governing body?
9. Do you have a complaints procedure to deal with any disputes or concerns?

C. Post Incident Support

10. Do you ensure all involved in physical intervention have immediate access to a first aider and record that a check has been made?
11. Do you have post-incident support processes in place to care for school staff and pupils?

D. Training

- 12 a. Have all the necessary staff received training from an approved trainer?
- b. Is this training updated as required by the training provider?
- c. Is there an updated list of all those staff authorised to use physical intervention techniques?

APPENDIX 2

School.....

RISK ASSESSMENT

for pupils who present challenging behaviours

Name: DOB: Year:

School: Staff involved:

Identification of Risk

Describe the foreseeable risks	
Are the risks potential or actual (e.g. has there already been an incident?)	
List who is affected by the risk	

Assessment of Risk

In which situations does / do the risk(s) usually occur?	
How likely is it that the risk will arise?	High / Medium / Low

Agreed Behaviour Management Plan & 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		

Evaluation of Behaviour Management Plan & 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

Assessment completed by: _____
 Agreed by: _____
 Relationship to pupil: _____
 Plans and strategies evaluated by: _____
 Relationship to pupil: _____
 Date: _____
 To be reviewed by _____ on (date) _____

APPENDIX 3

PHYSICAL INTERVENTION

Planned And Agreed Measures To Ensure Safety

Risk assessment outcomes:
Agreed physical intervention strategy with parents / carer and pupil:
Agreed usual procedure:
Post incident support agreed:

In exceptional circumstances or unforeseen circumstances staff may need to manage an emergency situation using measures beyond this agreed plan. If this happens we will inform you to discuss how this plan may need to change.

Signed: Parents / Carers

Signed: Headteacher or representative

**APPENDIX 4
REQUIREMENTS FOR TEAM TEACH REFRESHER TRAINING**

Team Teach Course	Recommended	Required
6 hour Foundation Course Aimed at Low Risk Service Settings and Individuals e.g. Mainstream Primary and Secondary Schools	Every 2 years	within 3 Years
12 hour Basic Course Aimed at Medium to Elevated Risk Service Settings, e.g. Special Schools, Homes, Social Care	Every Year	within 2 Years
Intermediate Instructor	Every 12 months <i>(A 4 month grace period is available but the tutor can only assist on a course and not lead a course during the grace period)</i>	1 year after initial training and then every 24 months <i>(A 4 month grace period is available but the tutor can only assist on a course and not lead a course during the grace period)</i>
Advanced Instructor	18 months <i>(No grace period allowed)</i>	18 months <i>(No grace period allowed)</i>

CROMWELL ACADEMY
POLICY FOR PHYSICAL INTERVENTION WITH PUPILS

1.0 Introduction

- 1.1 This policy is based on DCSF guidance and the corresponding Cambridgeshire County Council's document 'Policy and Guidance for Schools in the use of Physical Intervention to Manage Behaviour.'
- 1.2 Cromwell Academy recognises that there is a need, reflected in common law, to intervene when there is an obvious risk of safety to its pupils, staff and property.
- 1.3 Cromwell Academy is committed to ensuring that all our staff and adults with responsibility for pupil's safety and welfare will deal professionally with all incidents involving aggressive or reckless behaviour, and only use physical intervention as a last resort in line with DCSF and Cambridgeshire County Council's guidance. If used at all it will be in the context of a respectful, supportive relationship with the pupil. We will always aim to ensure minimal risk of injury to pupils and staff.
- 1.4 This policy applies to all our staff who are authorised to use physical intervention (see paragraph 10.0 of this document for details).
- 1.5 This policy will be reviewed and discussed with staff and the governing body on an annual basis.
- 1.6 The nominated member of the School's Leadership Team with responsibility for advising on the implementation of this policy is the SENDCo.
- 2.1 The best practice regarding physical intervention outlined below should be considered alongside other relevant policies in the school, specifically those policies involving behaviour, bullying, child protection and health and safety.
- 2.2 In the following situations staff must judge whether or not physical intervention would be reasonable or appropriate:
- a. committing any offence,
 - b. causing personal injury to, or damage to the property of, any person (including the pupil himself), or
 - c. 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.

This judgment will take into account the circumstances of the incident.

All staff should be aware that the use of physical intervention in response to a clear or developing danger of injury will always be more justifiable than the use of force to prevent damage or misbehaviour.

- 2.3 Our staff will view physical intervention or restraint of pupils as a **last resort to maintaining a safe environment**. If pupils are behaving disruptively or anti-socially, every effort will be made to manage behaviour positively to prevent a deterioration of the situation and to restore a safe, secure environment.

2.4 Our staff will understand the importance of listening to and respecting pupils to create an environment that is calm and supportive especially when dealing with pupils who may have emotional and behavioural needs that may increase their aggression.

2.5 All our staff will understand the importance of responding to the feelings and well-being of the pupil, as well as to the behaviour itself.

3.0 Our Practice Regarding Specific Incidents:

3.1 Staff intervening with pupils will seek assistance from other members of staff as early as possible, since single-handed intervention increases the risks of injury to both parties and does not provide a witness.

3.2 All staff who become aware that another member of staff is intervening physically with a pupil will have responsibility to provide a presence and to offer support and assistance should this be required.

3.3 Before intervening in a non-emergency, consideration will be given to whether or not other staff are available to assist.

3.4 Where possible, staff who have not been involved in the initial confrontation leading up to an incident may be in a better position to intervene or restrain the pupil if this proves necessary. Staff should support colleagues by offering to take over the role of holding to minimise stress.

3.5 A pupil's behaviour may be adversely affected by the presence of an audience. Wherever possible, the audience will be removed, or if this is not possible, the pupil will be removed from the audience. The pupil and member(s) of staff will withdraw to a quiet, but not completely private, place (e.g., two members of staff should be present or a door left open so that others are aware of the situation).

3.6 Staff will be aware of the need to tell the pupil being restrained, in a calm and gentle manner, that the reason for the intervention is to keep the pupil and others safe. Staff will explain that as soon as the pupil calms down, he/she will be released.

3.7 All staff should be supported by a back-up system to enable staff to call for help in emergencies (e.g. a member of staff will give a red card to a bystander pupil to take to the general office or staff room. The card indicates to staff that help is required urgently).

4.0 Physical Intervention/Restraint Approaches which can be regarded as reasonable in appropriate circumstances

4.1 The following approaches are regarded as reasonable in appropriate circumstances.

- a. standing between pupils;
- b. blocking a pupil's path;
- c. leading a pupil by the hand or arm;
- d. ushering a pupil away by placing a hand in the centre of the back;
- e. in more extreme circumstances, using appropriate restrictive holds, which may require specific expertise or training

5.0 Holds to be avoided except for the most extreme circumstances

5.1 The following holds must **not** be used other than in the most extreme emergency. This is when emergency action is needed to prevent the risk of **serious** injury or loss of life (e.g., to prevent a pupil running into a busy road or to stop an extremely violent assault on one pupil by another pupil).

- holding a pupil around the neck, or by the collar, or in any other way that might restrict a pupil's ability to breathe
- slapping, punching or kicking a pupil
- twisting or forcing limbs against a joint
- tripping a pupil
- holding a pupil by the hair or ear
- holding a pupil face down on the ground

6.0 Recording an Incident

6.1 All incidents that result in non-routine / emergency interventions will be recorded in detail.

6.2 Notes will be made immediately following, or as soon as possible after the incident (i.e. before the end of the day of the incident) by the staff member involved in the original incident, in the Physical Intervention Record book provided by the County Council.

6.3 Notes will also be made in the same way by any other members of staff involved (i.e. as witnesses or additional providers of support). The notes will be signed and dated on the same day.

6.4 The notes must contain the following information:

- the name(s) and the job title(s) of the member(s) of staff who used reasonable force
- the name(s) of the pupil(s) involved
- when and where the incident took place
- names of staff and pupils who witnessed the incident
- the reason the force was necessary
- the progress of the incident. Include details of:
 - behaviour of the pupil which led up to the incident
 - any attempts to resolve the situation
 - what was said by staff and pupils
 - the degree of force used
 - how it was applied
 - how long it was used for
- the pupil's response and the eventual outcome
- details of any injuries suffered by either staff or pupils
- details of any damage to property
- details of any medical treatment required (an accident form will be completed)
- details of any follow-up, including contact with the parents/carers of the pupil(s) involved
- any other relevant details e.g., the involvement of any other agency, e.g., the Police

6.5 Pupil witnesses may also be asked to provide a written account if appropriate.

6.6 These notes should be kept in the pupil's file.

6.7 Routine incidents of physical intervention, usually for pupils with identified needs as set out in the pupil's Individual Education Plan, Individual Behaviour Plan and/or Pastoral Support Plan will need to be recorded as follows:

- Name of pupil
- Date
- Name of member of staff who intervened
- Name of any witnesses
- Brief description of the reason for intervention
- Brief description of action taken
- Details of any follow-up with parents
- First Aid Record

7.0 Monitoring use of Restrictive Physical Interventions

7.1 The use of physical intervention in our school will be monitored in order to help our staff learn from experience, promote the well being of pupils in our care and provide a basis for appropriate support and school organisation. Monitoring will help us to determine what specialist help is needed for pupils. Information on trends and emerging problems will be shared within our school using local procedures. Monitoring information will be reported on a regular basis to school governors by the Headteacher.

7.2 Our Bound book – Physical Intervention Record book will be available for monitoring by County Council officers and Ofsted.

8.0 Post Incident Support

8.1 We will ensure that the pupil and the member of staff have immediate access to first aid for any signs of injury. This must be recorded

8.2 We will give the pupil time to become calm while staff continue to supervise him/her. When the pupil regains complete composure, a senior member of our staff (or his/her nominee) will discuss the incident with the pupil and try to ascertain the reason for its occurrence. The pupil will be given an opportunity to explain things from his/her point of view. We will take all necessary steps to re-establish the relationship between the pupil and the member(s) of staff involved in the incident.

8.3 In cases where it is not possible to speak to the pupil on the same day as the incident occurred, we will ensure a debrief takes place as soon as possible after the pupil returns to school.

8.4 All members of staff involved will be allowed a period to debrief and recover from the incident. This may involve access to external support. A senior member of our staff (or his/her nominee) will provide support to the member of staff involved.

8.5 The Headteacher will be informed at the earliest possible opportunity of any incidents where physical intervention or restraint has been used. The Headteacher (or his/her nominee) will initiate the recording process (see 6.0) and we will review each incident to ensure that any necessary lessons are learned.

8.6 We will inform parents/carers of any incident involving physical intervention as soon as possible after the incident and whenever practicable on the day of the incident before the child arrives home.

8.7 Where any injury has occurred, we will complete a Health and Safety Incident Form (IRF (96) 1/99) and send it to Cambridgeshire County Council's Health & Safety Advisory Group.

9.0 Training Needs of Staff

- 9.1 At least one member of our Leadership Team will attend relevant training on physical intervention and will keep this training updated.
- 9.2 In cases where it is known that a pupil may, on occasions, require physical intervention, we will ensure that appropriate training is provided for relevant staff (both teaching and support staff) by accredited trainers (accessed through the County Council from the Specialist SEBD teaching teams. (Primary and Secondary)
- 9.3 We will ensure that all our staff receiving this training will keep it updated as prescribed by the trainers, if such physical interventions remain a possibility within the class / school.

10.0 Authorisation of Staff to Use Physical Intervention

- 10.1 We recognise that most of the time physical intervention will be used infrequently, that is, as a last resort to maintaining a safe and secure environment.
- 10.2 Although, under Section 550A of the Education Act 1996, all our teaching staff are, by the nature of their roles and their duty of care, authorised to use 'force as is reasonable in the circumstances for the purpose,' we will ensure specific training is given as outlined in 9.2 above.
- 10.3 Our support staff will require specific authorisation, either temporarily or permanently. This authorisation can only be given by the Headteacher or someone deputising for him/her when s/he is absent. Authorised staff will be notified formally and this will usually be on completion of the relevant training as outlined in 9.2 above. The names of all authorised staff are appended to this document and are kept on a list displayed in the Headteacher's office.
- 10.4 Dissemination of any revised information (including updated DCSF and/or Cambridgeshire Council's policies) will be included as part of the school's normal schedule of meetings.
- 10.5 These meetings will be open to all staff, including non-teaching staff, which have been authorised to use physical intervention techniques.
- 10.6 Governors will be informed of the number of unplanned / emergency physical interventions and the number of planned physical interventions annually.

11.0 Risk Assessment

- 11.1 We acknowledge that some pupils behave in ways that make it necessary to consider the use of restrictive physical intervention as part of a behaviour management plan. All identified behaviours necessitating use of physical intervention will be formally risk assessed. (See Appendix 2 in the County Council's 'Policy and Guidance for Schools on the Use of Physical Intervention to Manage Behaviour' Document for a suggested Risk Assessment Proforma)
- 11.2 The resulting risk management strategy must be compatible with the school's positive behaviour management approach and must also take into account the pupil's Pastoral Support Plan and Individual Education Plan, if these are applicable to the pupil.
- 11.3 Techniques and methods for controlling and restraining pupils using restrictive physical interventions must be assessed to ensure they are safe, suitable and appropriate for use with the named pupil.

- 11.4 The techniques will be agreed in partnership with the pupil, his/her parents (or those with parental responsibility) and other statutory agencies working with the pupil. This is especially the case when children are looked after by the local authority, in respite care, or cared for by others with legal responsibility in order to ensure that there is a consistent approach to the use of intervention strategies both in and out of school.
- 11.5 In the event of disputes over, or concerns about, techniques and methods being considered, an interim school strategy will be agreed and the matter referred to Cambridgeshire County Council. If necessary, adjudications might be offered by an independent officer nominated by the Local Safeguarding Children's Board.

The Risk Assessment should also be properly documented within pupil's records

12.0 Arrangements for informing parents*

- 12.1 Parents / carers will be informed of the school's policy regarding physical intervention in the following ways:
- at the outset of the introduction of this policy, all parents/carers will be sent a letter outlining its introduction with information about obtaining a copy for their own information.
 - thereafter, a section about the school's legal obligations to maintain a safe environment and the possible use of physical intervention (as a very last resort) with pupils, will be included in the school brochure*
 - staff who work with particular pupils who have learning or physical disabilities and who have Individual Education Plans, Individual Behaviour Plans and/or Pastoral Support Plans may need to use specific techniques routinely to manage challenging behaviour. Such arrangements will be discussed with parents/carers in advance on an individual basis. All interventions will be routinely recorded.
 - parents/ carers will be informed after a non-routine incident where physical intervention is used with their child.

**Paragraph 1.3 of this document could be used as a form of words.*

13.0 Responding to Complaints

- 13.1 If a parent/carer or pupil is concerned about any aspect of the management of an incident requiring physical intervention, he/she should inform the Headteacher of their concern.

If the concern relates to action by the Headteacher, the parent/carer should contact the Chair of Governors and follow the normal school complaint procedures.

- 13.2 Sharing details of the incident and its record should enable the resolution of most complaints but if a parent remains concerned, they should contact an external agency (Police or Social Care) to provide an independent investigation of the circumstances. This will determine the necessity for further action. (See Cambridgeshire County Council Procedures for Allegations Against School-based Staff.)

"Education Staff and Child Protection: Staff Facing an Allegation of Abuse" can be downloaded from:

<http://www.lge.gov.uk/lge/core/page.do?.pageId=119361>

14.0 Review of Policy

Cromwell Academy – Policy and Guidance on the use of Physical Intervention to Manage Behaviour
Autumn 2016

Review Date: Autumn 2017

14.1 This policy will be reviewed at least annually or earlier if any changes are indicated at national or local level.

Staff who have been authorised permanently to use physical intervention with pupils

The following staff have been authorised permanently by the Headteacher to use reasonable force to intervene with pupils (only) to respond to circumstances where staff, pupils, visitors or members of the public could be in danger.

They have been given appropriate advice by the Headteacher over the use of reasonable force.

Name

Adam Baldwin

Jo Forrest

Lisa Kett

David Sykes