



# Holyhead

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## Physical Intervention Policy

**Autumn 2019**

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<b>Policy Lead:</b>	<b>T Wharton</b>

## Contents

<b>Physical Intervention Policy</b>	<b>3</b>
1. Purpose	3
2. Physical Intervention and the Law	3
4. Implementation of Physical Intervention	4
5. Our approach to best practice	4
6. Practice regarding specific incidents	6
7. Recording of an incident	7
8. Debriefing Arrangements	7
9. Complaints	8
10. Searching students	8
11. Review of Policy	10
Appendices	11
Appendix 1	11
Major Incident Form	11



## Physical Intervention Policy

### 1. Purpose

The purpose of this policy is to make clear the position of the school with regards to necessary physical interventions and to safeguard the well-being of students and staff when a situation or incident requires the use of physical intervention.

It is the objective of Holyhead School to maintain consistent and safe practices in the use of handling, reasonable force & restraint.

### 2. Physical Intervention and the Law

The law allows all adults who are authorised by the Principal to be responsible for students to use such force as is reasonable to prevent a student:

- a) Committing a criminal offence (or for younger children that which would be an offence)
- b) Causing personal injury, injury to others or damage to property
- c) Engaging in any behaviour prejudicial to maintaining good order and discipline

Staff should not hesitate to act in these situations provided they follow this policy and the attached guidance; however, they should always satisfy themselves that the action they take would be considered justifiable by a wider audience of their professional colleagues.

### 3. Definition of Terms

**Handling** – refers to any physical intervention applied by a member of staff where it necessary to make physical contact with a student in order to manage their conduct or ensure their own or others safety. Handling strategies may be restrictive or non-restrictive and include shepherding, guiding, supporting, blocking, confining, holding and, in the most extreme cases, restraining.

**Use of Reasonable Force** – is the application of appropriate and proportionate force required to achieve the required outcome from the handling strategy employed (see above) without further endangering the student, member of staff or others present at the time of physical intervention.

**Restraint** - is the positive application of force in order to actively prevent a child from causing significant injury\* to him/herself or others or seriously damaging property. \*Significant Injury would include: actual or grievous bodily harm, physical or sexual abuse, risking the lives of, or injury to,

themselves or others by wilful or reckless behaviour, and self- poisoning. It must be shown that on any occasion where physical restraint is used there were strong indicators that if immediate action had not been taken, significant injury would have followed.

#### **4. Implementation of Physical Intervention**

Teachers are not contractually obliged to carry out restraint procedures and they are not contractually obliged to undertake training in any restraint procedures. **However, all members of staff at Holyhead school have been trained in restraint procedures and safer handling.**

All members of staff working with students at Holyhead are authorised to handle, use reasonable force or restrain students if/when such physical intervention is necessary.

No member of staff is required to employ any physical intervention strategy if they are not comfortable or confident to do so effectively.

No member of staff should intervene physically if they have reason to believe that to do so would worsen the situation/incident that is taking place

In all circumstances where physical intervention is or may become required, members of staff should ensure that adult assistance is requested before intervention, although it is understood that circumstances may lead to the need for intervention prior to the assistance arriving.

Staff considering handling, use of reasonable force or restraint must provide opportunity for the student to alter their behaviour/actions before employing a physical intervention strategy and should continue to make instructions to the student and details of their intended interventions clear.

The method of physical intervention employed must use the minimum reasonable force for the minimum length of time (additional guidance regarding what intervention is and is not appropriate is given in Appendix A).

#### **5. Our approach to best practice**

Holyhead School is committed to safeguarding our students and therefore we strive to achieve best practice where physical intervention is not necessary. We actively research, adopt and promote strategies to reduce physical intervention and positively influence behaviour.

Holyhead School is committed to ensuring that all staff and adults with responsibility for students' 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 advice. If used at all, it will be in the context of a respectful, supportive relationship with the student. We will always aim to ensure minimal risk of injury to students and staff. This doesn't prevent in an emergency a member of staff taking immediate action by using physical intervention as a first resort.

In line with the Education Act 1996 (Section 550A) in the following situations staff must judge whether or not physical intervention would be reasonable or appropriate:

- Risk to the safety of students, staff or visitors or
- Where there is a risk of serious damage to property or
- Where a student's behaviour is seriously prejudicial to good order and discipline or
- Where a student is committing a criminal offence.

This judgement 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.

Staff will view physical intervention as a last resort for the purposes of maintaining a safe environment. If students are behaving disruptively or anti-socially, every escalation strategy will be used to manage behaviour positively to prevent a deterioration of the situation and the need to RPI.

Staff will understand the general importance of listening to and respecting children to create an environment that is calm and supportive, especially when dealing with students who may have emotional and behavioural needs, which may increase their aggression. All staff will understand the importance of responding to the feelings of students, which lie beneath the behaviour as well as to the behaviour itself.

Any students who exhibit behaviours which could potentially necessitate the use of physical intervention will be made subject to a behaviour support plan (SLIP example Appendix A) and risk assessment. SLIPs and Risk Assessments will detail a hierarchy of typical student behaviours (ie level 1; level 2; and level 3), appropriate staff responses and an agreed probability regarding how often the suggested response results in a positive outcome. The plan will be agreed and signed by parents / carers; and (wherever appropriate) social care and representatives from any agencies involved with the family.

The skills and techniques taught on the Safer Handling course are as a result of an ongoing risk assessment and Training Needs Analysis in an effort to safeguard everyone involved in a challenging, violent (or potentially violent) incident where restrictive physical interventions are absolutely necessary.

Safer Handling techniques seek to avoid injury to students, but whilst some physical injury potential can be reduced there remains some risk, with potential for possible bruising or scratching that may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that students remain safe. "School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the student." *DfES Use of Reasonable Force advice for Head teachers, Staff and Governing Bodies.*

Whilst Safer Handling is the preferred method of physical intervention, and staff have received full training, on "What is Reasonable Force", it is recognised that staff may choose to respond with a technique from outside the Team Teach framework. This does not automatically render the use of such skill or technique necessarily improper, unacceptable or unlawful. **Its use must be judged on whether or not it was reasonable (necessary and proportionate) in those particular circumstances.**

## 6. Practice regarding specific incidents

All policies, documents and practice regarding the supervision of students during the school day will be appropriate to the identified needs and behaviours of the students. This combined with the whole school approach to behaviour should minimise the likelihood of requiring physical intervention to an absolute minimum.

The physical action taken will take into consideration the age and competence of the student and will be the least detrimental alternative. A student's individual needs are also taken into account and reflected in their (SLIP) Student Learning Improvement Plan

A member of staff recognising that a situation is escalating to a point demanding physical intervention yet feeling unable to carry this out must, as part of their duty of care, clearly tell the student(s) to stop the behaviour and seek help by any means available.

Any members of staff who are not trained in physical intervention or are not familiar with students SLIPs are instructed to avoid the use of physical intervention techniques. This does not impede them from taking immediate action to defend themselves or assist others in the event of an unforeseen emergency.

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

A student'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 student 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).

Staff will be aware of the need to tell the student being restrained, in a calm and gentle manner that the reason for the intervention is to keep the student and others safe. Staff will explain that as soon as the student is in control of their own behaviour, she/he will be released. The force used will be reasonable in the circumstances, absolutely necessary and proportionate.

Physical intervention with a student who has a learning and improvement plan or adverse childhood experiences and are therefore vulnerable, should only be used as a last resort and after exhausting every other strategy (especially those detailed in SLIP)

Examples of situations where positive handling may be appropriate include:

- student attacks a member of staff or another student
- student is causing, or at risk of causing injury or damage by accident, by rough play, or by misuse of dangerous materials or objects
- student absconds from school or room (this only applies if student is at risk if not kept in school or a room)
- a student behaving such that the lesson is being seriously disrupted.

More information relating to the Safer Handling process can be found on [www.safer-handling.co.uk](http://www.safer-handling.co.uk)

**NB. There may be rare occasions when a student exhibits exceptional behaviours requiring an emergency response (E.G. not detailed on a SLIP) these incidents will be recorded and**

the SLIP reviewed. Advice and support can be sought from outside agencies (CAMHs, Police etc) if behaviours are of significant enough concern.

## 7. Recording of an incident

All incidents that result in non-routine interventions will be recorded in a book located in D.Denny's office.

Contemporaneous record (i.e. written within 24 hours of the incident's occurrence) will be made by the staff member involved in the incident using a Major Incident Reporting form (see Appendix 1). In all but the most extreme circumstances, incident reports will be completed (and submitted to D.Denny) during the actual day of incident occurrence.

Similarly, contemporaneous notes will also be made by any other members of staff involved (i.e. as witnesses or additional providers of support). The notes will be signed and dated, including date and signature from a member of SLT/Safeguarding Team.

A copy of the major incident form will be kept on the student's file and retained in line with LA guidance on keeping educational records.

The school will report any injuries caused to students or staff in accordance with RIDDOR (HSE Regulations 1995)<sup>2</sup> and senior staff will monitor and report this to Governors. Students who are identified as likely to require physical intervention as part of their behaviour management will require a SLIP alongside their Risk Assessment. This is drawn up in response to the risk posed by the student's behaviour and is shared with all staff, parents/carers and the student if appropriate

## 8. Debriefing Arrangements

The student and the member of staff will be checked for any sign of injury after an incident. First aid will be administered to anyone who requires it, or medical treatment obtained.

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

In cases where it is not possible to speak to the student on the same day as the incident occurred, this informal discussion will take place as soon as possible after the student returns to school.

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 staff (or her/his nominee) will provide support to the member(s) of staff involved.

Staff involved in the incident will, at the earliest possible opportunity (on the same day), record the incident, clearly stating that physical intervention has been used. This will notify members of the Senior Leadership team responsible for behaviour, welfare and safety including the Principal, who will initiate the formal debrief procedures including a phone call to parents, a meeting with all

members of staff involved, a debriefing with the student. Following the completion of the formal debrief procedures risk assessments and individual care plans will be re-visited.

Supporting the member of staff is equally as important as the welfare of the student, one group will support the staff member following any incident and another group will be there to support the student.

## 9. Complaints

In the event of a complaint being received by the school in relation to the use of physical force by staff, the matter will be investigated in accordance with relevant guidance.

In accordance with Department for Education Guidance:

- *School staff have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.*
- *Suspension should not be an automatic response when a member of staff has been accused of using excessive force.*
- *Senior school leaders should support their staff when they use this power.*

Arrangements for Informing Parents:

Parents will be informed of the school's policy regarding positive handling in the following ways:

- *directed to the website*
- *annual parent/tutor contact day.*

## 10. Searching students

There are two sets of legal provisions which enable school staff to confiscate items from students:

- 1) A member of staff can confiscate, retain or dispose of a student's property as a punishment, as long as it is reasonable in the circumstances. In most cases, the confiscated property will be returned to the student at the end of the school day. Every effort will be made to ensure confiscated items are retained securely, but the school can not be held responsible for any subsequent damage or loss.
- 2) Staff can search without consent for "prohibited items" including:
  - weapons (eg. knives, BB guns or any other item that might be used to inflict harm)
  - alcohol
  - illegal drugs
  - stolen items
  - tobacco and cigarette papers
  - fireworks
  - pornographic images
  - any article that has been or is likely to be used to commit an offence, cause personal

- injury or damage to property
- any item banned by the school rules which has been identified in the rules as an item which may be searched for.

Refer to: DfE: Searching Screening and Confiscation: Advice for Head Teachers, Staff and Governing Bodies (Feb 2014), Health and Safety Act at Work (1974)

Any confiscated weapons, drugs or pornography will be handed over to the police and may result in a permanent exclusion.

### **EDUCATION ACT 1996 - POWER OF SEARCH SUPPLEMENTARY (AUTHORISATION/CONDITIONS) (ENGLAND ONLY)**

Section 550ZB of the Education Act 1996 sets out the conditions before a search can be carried out on a pupil or their possessions under section 550ZA (English school only).

550ZB(1) A person may carry out a search under section 550ZA only if that person:

- (a) is the /Principal of the school; or
- (b) has been authorised by the Principal to carry out the search.

550ZB(4) A search under section 550ZA may be carried out only where:

- a) the member of staff and student are on the premises of the school; or
- b) they are elsewhere and the member of staff has lawful control or charge of the student

550ZB(5) A person exercising the power in section 550ZA to search for an item within section 550ZA(3)(a) to (f) may use such force as is reasonable in the circumstances for exercising that power.

550ZB(6) A person carrying out a search of the student under section 550ZA:

- a) may not require student to remove any clothing other than outer clothing
- b) must be of the same sex as student, unless the condition in subsection (6A) is satisfied
- c) may carry out the search only in the presence of another member of staff, unless the condition in subsection (6A) is satisfied; and
- d) must ensure that the other member of staff is of the same sex as student if it is reasonably practicable to do so.

550ZB(6A) The condition is satisfied if:

- a) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency, and
- b) in the time available it is not reasonably practicable for the search to be carried out by a person of the same sex as student or in the presence of another member of staff (as the case may be).

550ZB(7) student possessions may not be searched under section 550ZA except in the presence of:

- a) student; and
- b) another member of staff, unless the condition in subsection (7A) is satisfied.

550ZB(7A) The condition is satisfied if:

- a) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency, and
- b) in the time available it is not reasonably practicable for the search to be carried out in the presence of another member of staff.

## **11. Review of Policy**

This policy will be reviewed every two years..

**Appendices**

**Appendix 1**

**Major Incident Form**

*This form should be written within 24 hours of the incident by the staff member involved and submitted to SLT on the same day.*

Ref No: \_\_\_\_\_

The name(s) and role(s) of the member of staff who used reasonable force:
The name(s) of the student(s) involved (form/year):
Date of incident _____ Where the incident took place:
Names of staff and students who witnessed the incident (witnesses to provide a separate written account):
The reason that force was necessary:
Behaviour of the student which led up to the incident:
Any attempts to resolve the situation:

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## Details of Physical Intervention

The degree of force used/how it was applied/how long it was used for:
The student's response and the eventual outcome:
Details of any injuries suffered by either staff or students:  Details of any damage to property
Details of any medical treatment required (an accident form will be completed, where medical treatment is needed)
Has there been a restorative conversation?: YES/NO If yes, give details:

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### Follow up: (D.Denny/AVP)

Details of follow-up, including contact with the Parents/Carers of the student(s) involved:
Details of follow up involvement of other agencies (Police, Social Care)
Name of SLT staff member: _____ Signed by SLT staff member _____ Date: _____