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Physical Interventions Policy

INTRODUCTION

The Children Act 1989 places a general duty on the Local Authority to safeguard and promote the welfare of children and young people and “Working Together” (the attendant DoH guidance) identifies places where young people are educated, looked after, or visit in ensuring their ongoing safety and welfare. Furthermore the DoH and DfES require that such schools, colleges and other establishments have in place policies and procedures which address issues of behaviour management and that these are consistent with the Human Rights Act 1998 in terms of ensuring freedom from harm and access to education and services.

In addition to these statutory requirements it is important to recognise the part that schools, and places where children and young people are looked after or visit, play in helping children and young people to understand their emotions and behaviours and the need to provide help and support to enable them to gain self-control, self-discipline, to encourage good behaviour and respect for others.

Both the DoH and DfES acknowledges and accepts that some children and young people experience difficulty in acquiring self-mastery and will require additional help to achieve this important developmental task and that on occasions this will include the use of physical interventions. The DoH Volume 4 and the DfES (10/98) makes explicit the circumstances in which it is permissible to use such strategies and which people are authorised to do so. It also refers to issues of recording and reporting of incidents.

The Authority will ensure that appropriate training is available to meet identified needs.

The Council's Children & Young People Services and Education Service acknowledge their responsibilities under the Health & Safety at Work Act 1974 and the Management of Health & Safety at Work Regulations 1999 and wish to provide a framework to prevent and reduce the risk of harm to staff and service users.

This document along with the attendant 'Practice Guidance' sets out in detail both policy and procedures in relation to the issue of physical intervention as an aid to behaviour management. This policy is agreed between the Children & Young Peoples Service and the Education Service, and has the approval of both Members and the Wokingham Area Child Protection Committee. (This document should be cross-referenced with the policies on Child Protection and Anti-Bullying).

Principles

- ◆ Under no circumstances whatsoever is the use of corporal punishment permitted.
- ◆ If physical interventions are necessary they will not deliberately cause pain/injury or humiliation nor will they include the use of threats or intimidatory language.
- ◆ The use of physical interventions is an act of care, not punishment. When these interventions are used, the least amount of force will be applied for the minimum time required to restore self-control to the child/young person.
- ◆ Physical interventions will not be used routinely, but rather they represent a last resort in the context of a wider behaviour management strategy based on mutual respect, fairness and equality.
- ◆ When children/young people begin to display challenging behaviours this will be dealt with proportionately using initially techniques of defusion and de-escalation and resorting to physical interventions only when there is no alternative.
- ◆ Strategies for managing children and young people with challenging behaviour are likely to achieve the best outcomes when Community Services staff, parents/carers, and school staff share responsibility and work in partnership on the issue.
- ◆ It is expected that staff will exhibit resilience and consistency in their endeavours to help children and young people with persistently difficult /challenging behaviours.
- ◆ When children and young people have been involved in physical interventions they will be given the opportunity to learn from their experiences – to improve their self-control and avoid similar situations in the future.
- ◆ For some disabled children and young people their learning and development is supported and promoted through physical interventions. When this is the case, the school and social services' plans (care plan / pastoral support plan / behaviour management plan) will be shared with and followed by the child or young person's parents/carers and staff.
- ◆ Physical interventions should take account of age, size, gender, stage of development, health, fears and phobias, state of mind (drug/alcohol) and any previous experience of abuse.

- ◆ The purpose of physical interventions is to promote the child's learning and development of personal self-control. It is not intended merely to gain the child's compliance.

Further Reading

Policy & Guidance on Personal Safety WDC H&S Manual
Generic Safety at Work Risk Assessment Guidance
Violence and A Guide to Prevention of Violence at Work Health & Safety at Work Act 1974
Management of Health & Safety at Work Regulations 1999.

Aims

- ◆ To promote the development of a strategy for managing children and young people with challenging behaviour which is consistent with common law and the requirements and recommendations of the DoH and DfES.
- ◆ To locate the use of physical interventions within a wider policy of behaviour management.
- ◆ To promote the safety and welfare of all children, young people, staff and carers.
- ◆ To clarify for staff, parents/carers, children and young people (pupils) the limits of acceptable behaviour and the consequences if these are breached and to confirm that the behaviour of one child/young person cannot be allowed to compromise another child/young person's safety or welfare and opportunity to benefit from education (Cross reference with School's Behaviour Policy).
- ◆ To establish and maintain an environment both at home and school which is normally well ordered and conducive to learning and ensuring that children and young people's needs are appropriately met.
- ◆ To identify aggressive and destructive behaviour as a problem for all concerned and to emphasise the determination to help young people with challenging behaviour to learn, maintain or regain self-control and benefit from their education / care.

Objectives

- ◆ To provide guidance to staff, parents/carers, children and young people on the circumstances when the use of physical interventions might be appropriate.
- ◆ To engage with parents/carers and other workers in a joint strategy to manage children and young people with challenging behaviour.

- ◆ To reassure children and young people with challenging behaviour that their needs for support will be taken seriously and they will be helped to gain self-mastery and control.
- ◆ To confirm the use of physical interventions as a last resort within a wider behaviour management strategy rooted in defusion and de-escalation.
- ◆ To identify the extent of the problem of challenging behaviour and ensure that staff have access to the necessary training and support to manage it effectively.
- ◆ To promote the development of behaviour plans including the use of physical interventions where challenging behaviour is a regular cause for concern.

Physical Interventions – Definitions

- ◆ **Restraint**
The reasonable use of minimum force required to overpower a child or young person with the intention of **preventing** them harming themselves, others or causing serious damage to property (and within education settings preventing behaviour prejudicial to good order).
- ◆ **Holding**
To assert authoritatively. Action taken to **discourage** a child or young person from causing harm, damage or disruption but which of itself would not prevent such harm, damage or disruption.
- ◆ **Escorting**
Accompanying a child or young person for protection or guidance. Escorting may include physical touch.
- ◆ **Breakaway**
The reasonable use of minimum force required to disengage from dangerous or potentially harmful physical contact with a child or young person.

NB Reasonable force

There is no legal definition of 'reasonable'. The use of force can only be regarded as reasonable if the circumstances of the particular incident warrant it (see Scope) and the degree of force employed is proportionate to the level of challenging behaviour presented or the consequences it is intended to prevent.

Scope

The DoH and DfES in their guidance to Social Services Departments and Local Education Authorities allow the use of reasonable force in the following circumstances:

- ◆ to prevent crime (including behaviour which would be a crime if the child were not under the age of criminal responsibility)

- ◆ to prevent children and young people from harming themselves or others
- ◆ to prevent damage to property

In addition the DfES guidance allows the use of reasonable force in order to prevent behaviour prejudicial to maintaining good order and discipline at school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

NB Self Defence

The Wokingham District Council's 'Code of Conduct' for staff states:

"In the course of their work staff will on occasions be confronted with aggressive, agitated, angry and possibly assaultive children and young people. It is expected that they will moderate their own behaviour and exercise proper self-control when confronted with such challenging behaviour".

However, in law, every person has the right to take action, to use reasonable force to protect themselves from harm (or the perceived threat of harm). For the use of force to be reasonable in these circumstances it has to be seen to be proportionate to the degree of threat posed (or perceived) and the actions of the individual demonstrably honest and instinctive.

The use of force by staff must be reasonable and limited to the extent needed to prevent harm, damage or disruption. Under no circumstances should there be any retaliatory physical action against children or young people who present challenging behaviour.

Prevention

Children or young people who are constantly in conflict with themselves or others are less able to access learning and develop their potential. Children and young people with difficult or challenging behaviour should be helped to manage themselves in ways that enable them to learn and develop. In order to do this a stepped approach to the prevention of confrontative and challenging behaviour will be adopted including:

- ◆ Ensuring the best possible match between the child or young person's needs and the staff's ability to meet those needs.

The Council's policy of social inclusion embodies the principle that the majority of children and young people will have their needs met through mainstream education, primary health care and supported by a universal range of services. The council is committed to a policy of continuous improvement to develop the necessary resources and skills to meet the needs of as wide a range of children and young people as possible are met.

- ◆ Developing an ethos in which there is the expectation that children and young people will be well behaved. It is believed that children and young people develop and learn self-control better through reward and positive responses to acceptable behaviour rather than disapproval and imposition of sanctions when they behave badly. A major factor in creating an environment, which is generally well ordered, is the quality of the relationships between staff and children/young people. Staff and carers will work to develop relationships with children and young people based on mutual trust and respect and will use these to communicate expectations regarding acceptable behaviour.

It is recognised that staff and carers need to feel safe in order to carry out their duties and will ensure that they receive the necessary training and support to enable them to do so. It is not acceptable for staff or carers to become the victims of verbal or physical abuse from children/young people and their parents, and all options will be explored to prevent this from happening.

- ◆ Adopting a non-confrontative, pragmatic and problem-solving approach to signs of mounting anger in children and young people. When children/young people begin to lose control staff and carers will explain clearly what is expected and will tell and show the child or young person how to behave in an acceptable manner.

In these circumstances staff and carers will demonstrate to children and young people unconditional positive regard (while clearly identifying their behaviour as unacceptable) and keep in mind throughout that the purpose of intervention is to enable the child or young person to learn self-control.

- ◆ Intervening early when there are signs of increased aggression and employing techniques of defusion and de-escalation to calm and distract young people to enable them to regain self-control. The best prevention is based on a full and proper understanding of a child or young person's needs. The better the child or young person's needs are understood and met, then the less the likelihood of confrontation. Where children and young people are known to have challenging behaviours then a proper risk assessment followed by shared planning is the basis for appropriate management.
- ◆ Involving both professionals and parents/carers in developing a behaviour management strategy within the child/young person's care plan / pastoral support plan and /or behaviour management plan for those who have enduring self-management difficulties. The strategy will include agreement on reasonable expectations in relation to the child or young person's behaviour and on the strategies to be adopted to manage future difficulties. They will also indicate what rewards are available for improved behaviour and what sanctions will be imposed for further incidents of unacceptable behaviour.
- ◆ Resorting to the use of physical interventions, including restraint, as a last resort. The use of restraint is an act of care intended to provide external control to a child or young person who has temporarily lost self-control. It is important to take the use of restraint extremely seriously and to ensure that an opportunity is offered to the child/young

person to reflect on their experiences, and that staff involved will be debriefed after a restraint in order to promote learning and to reduce the likelihood of future incidents.

Risk Assessment

In any school / establishment there will be a small minority of children / young people whose behaviour in some circumstances may need to be managed by the use of planned physical intervention.

Where this behaviour has the potential to cause harm, injury or serious damage, early identification and appropriate intervention through a planned risk assessment is necessary in order to minimise potential difficulties and ensure the safety of all involved.

The risk assessment should not only focus on the potential for aggressive / challenging behaviour but for those children and young people who are deemed to be vulnerable through emotional and traumatic experiences. The risk assessment should result in an appropriate plan which identifies the steps and support necessary to put it into place.

For further advice see Risk Assessment proforma

Partnership

Experience shows that the best outcomes for children and young people who have enduring problems with challenging behaviours are achieved through staff, parents / carers and other professionals working in partnership. Partnership will be best promoted through the following means:

- ◆ Involving parents/carers by keeping them informed of concerns about their children/young person's difficult/challenging behaviour.
- ◆ Planning, agreeing and regularly reviewing with parents/carers strategies (including any sanctions) to deter inappropriate behaviour and encourage the development of more appropriate behaviour.
- ◆ Working with parents/carers and other professionals (for e.g. Education Welfare Officers, Clinical or Educational Psychologist, Social Workers, Health Professionals, Voluntary Carers, Outreach Workers etc.) may be involved with the child or young person to develop a fuller understanding of their needs and for these to be reflected in their care plan and/or personal support plan.
- ◆ Working collaboratively with the council to promote staff and carers' safety and ensure best outcomes for children and young people.
- ◆ Making available an annual report on the progress of the Physical Interventions Policy and inviting parents/carers and other professionals to comment on its implementation.

Authorised Staff

The Education Act 1996 allows all teachers at a school to use reasonable force in the course of physical interventions to control pupils. It also allows Head Teachers to authorise others who may be in charge or control of children to use physical interventions. Such people may include classroom assistants, EWOs, playground supervisors, care workers etc. The Head teacher will identify those **individuals** to whom he/she decides to delegate the authority to use physical interventions and ensure that they are aware of the School's policy and procedures on this issue and have received adequate training and support.

The head teacher will regularly review the list of authorised people to ensure that ongoing authorisation is appropriate. The authority to use reasonable force extends beyond the school premises when the use of physical interventions by teachers and other authorised persons may be necessary when accompanying pupils on school trips, visits, exchanges or holidays organised by the school.

Implementation

See Practice Guidance

Recording and Monitoring

Each establishment will keep a separate, detailed, contemporaneous written record of every incident of restraint. The designated senior member of staff (within schools, the Head Teacher or a designated member of staff) will read every report and will address any issues which arise. Other interventions involving the use of physical interventions will also be recorded.

All records will be regularly reviewed by the designated senior member of staff to monitor the use of physical interventions generally and identify any issues or trends (whether particular children/young people or staff/carers are more frequently involved in incidents or whether particular situations trigger incidents, etc.) and consider whether any action is necessary.

An annual report will be provided on the Policy and its implementation. This report will also be in the public domain (*in the case of schools, this report will go to the Governing body*) and available to all interested parties including parents/carers, professionals and others upon request.

For more detailed advice go to

<https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

Complaints

When children or young people are seriously out of control physical intervention may be unavoidable and may result inadvertently in the child being harmed/injured. In these circumstances it is the behaviour of the child or young person which determines the degree of force required to bring them under control which may lead to injury rather than the intention of the member of staff or carer to cause harm.

If a child or young person is harmed in the course of a physical intervention and he/she or his or her parents wish to make a complaint then this will be taken seriously and investigated thoroughly in line with the Child Protection (Allegations Against Staff) Procedures.

Under no circumstances whatsoever should a parent take direct action against a member of staff or carer. If this should happen, staff within schools or establishments would be fully supported in whatever action they may wish to take in terms of legal redress in respect of the parent.

In this difficult area it is important to balance up the primary consideration, which is the safety and welfare of children and young people with the principles of natural justice in relation to the member of staff or carer concerned. As a general rule, genuine attempts to use approved methods of physical intervention in appropriate circumstances would not attract a disciplinary response (even if the child or young person is harmed) – though such circumstances may indicate a training need.

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