

# Abbey Academies Trust



Every Child Matters

## POLICY

For

Physical Intervention

Amended

January 2016	September 2019	September 2021
September 2017	October 2019	
September 2018	September 2020	

Every Child Matters within a loving and caring Christian environment

## **UNICEF - Article 19**

**Every child has the right to be protected from harm and to be kept safe.**

Article 1: All children under 18 have rights.

Article 2: Everyone has equal rights no matter who they are, where they live, what their parents do, whatever their race, religion, culture, ability, or language.

Article 3: The best interests of the child must be as top priority in all actions concerning children.

Article 12: Every child has the right to say what they think should happen and have their views listened to.

***'Let all that you do be done in love.' 1 Corinthians 16:14***

Abbey Academies Trust (AAT) aims to provide a safe, caring and friendly environment for all our pupils to allow them to learn effectively, improve their life chances and help them maximise their potential. We take the safety of our pupils and staff very seriously. We believe that all pupils and staff have the right to be and feel safe whilst at our school or on a school-led activity. Our policy for Physical Intervention is based upon the premise that all life is from God and we are created in the image of God. Pupils' personal, social, health and emotional development are all promoted in the supportive Christian ethos of the school, where all are respected, valued and encouraged.

No child should be attended to in a way that causes distress or pain. "Do onto others what you would have them do to you" Matthew 7:12. It is important for staff to bear in mind how they would feel in the child's position and to maintain a high degree of confidentiality and sensitivity.

## **Our Academy Vision**

We have a vision of a community in which each person is offered the opportunity to fulfil their potential and to understand themselves to be valued for who they are. Through a stimulating and challenging learning environment, we pursue academic excellence and seek the flourishing of all members of the school community. As inclusive and caring church schools, our commitment is to help pupils become thoughtful, open-minded and compassionate human beings who have the knowledge, skills and motivation they need to bring about positive transformation in the world.

"Do all the good you can, by all the means you can, in all the ways you can, in all the places you can, at all the times you can, to all the people you can, as long as you ever can."

**John Wesley**

We have once again reviewed this policy to reflect DfE, Government and Public Health England advice relating to COVID-19, to ensure that our schools have clear, consistent and robust practices in place.

Staff will work in close partnership with parents/carers to share information and provide continuity of care.

This policy should be read in conjunction with our Behaviour and Bullying and Safeguarding policies.

The vast majority of adults who work with children in education settings act professionally. They seek to provide a safe and supportive environment, which secures the well-being and very best outcomes for children and young people in their care. It is recognised that achieving these aims is not always straightforward. Much relies on pupil and staff interactions where tensions and misunderstandings can occur. It is here that staff behaviours can give rise to allegations being made against them. Allegations may be genuine, malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned.

Staff working in education settings have expressed concern about their vulnerability and have requested clearer advice about what constitutes illegal behaviour and what might be considered as misconduct. They have asked for practical guidance about which behaviours constitute safe practice and which behaviours should be avoided.

This document has been produced in response to these concerns. It seeks to ensure that the duty of care towards pupils and staff is promoted by raising awareness of illegal, unsafe and unwise behaviour. It is hoped that it will also assist staff to monitor their own standards and practice. This document is based upon guidelines set out in 'Guidance for Safer Working Practice for those working with Children in Education Settings' May 2019. It also follows guidelines set out in 'Reducing the Need for Restraint and Restrictive Intervention' June 2019.

As an Academy Trust we are firmly committed to creating a calm and safe environment which minimises the risk of incidents arising that might require the use of reasonable force. We use the PSHE curriculum, which includes aspects of the Social and Emotional Aspects of Learning (SEAL) curriculum to explore and strengthen emotional responses to situations.

We will only use force as a last resort and strongly believe in de-escalating any incidents as they arise to prevent them from reaching crisis point. Staff are skilled in promoting and rewarding positive behaviour and will utilise various appropriate techniques in the management of a class environment.

Staff will only use reasonable force when the risks involved in doing so are outweighed by the risks in not using force.

### **Underpinning Principles**

- The welfare of the child is paramount (Children Act 1989).
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions.
- Staff should work, and be seen to work in an open and transparent way.
- Staff should discuss and/or take advice promptly from the Executive Head

Teacher/CEO or Head of School over any incident, which may give rise to concern.

- Records should be made of any such incident and of decisions made and/or further actions agreed.
- Staff should apply the same professional standards regardless of gender, religion, race, disability or sexuality.
- All staff should know the name of their designated person for child protection, be familiar with local child protection arrangements and understand their responsibilities to safeguard and protect children and young people.
- Staff should be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them.

### **Restraint:**

#### **Aims**

1. To inform all staff, pupils and parents/carers about the use of force to control or restrain pupils.
2. To establish consistent procedures for restraining pupils throughout the school.

#### **DFEE Circular Number 10/98 Section 550A of the Education Act 1996 The Education Act 1997 Section 4**

Section 550A allows teachers, and other persons authorised by the Executive Headteacher/CEO to have control or charge of pupils (see below), to use such force as is reasonable in all the circumstances to prevent a pupil from doing, or continuing to do, any of the following.

- Committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility);
- Injuring themselves or others;
- Causing damage to property (including the pupil's own property);
- Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

The provision applies when a teacher, or authorised person, is on school premises, and when he or she has lawful control or charge of the pupils concerned elsewhere e.g. on a field trip or other authorised out of school activity.

#### **Authorised Staff**

The Act allows all teachers at a school to use reasonable force to control or restrain pupils. It also allows other people to do so, in the same way as teachers, provided they have been authorised by the Executive Head Teacher/CEO or Head of School to have

control or charge of pupils. Those might include teaching assistants, care workers, midday supervisors, specialist support teachers, education welfare officers, escorts, caretakers, or voluntary helpers including people accompanying pupils on school visits, exchanges or holidays organised by the school.

### **Action in self-defence or in an emergency**

Section 550A does not cover all the situations in which it might be reasonable for someone to use a degree of force. For example, everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example, if a pupil was at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene. The purpose of Section 550A is to make it clear that teachers, and other authorised staff, are entitled to intervene in other, less extreme, situations.

### **Type of Incidents**

There are a wide variety of situations in which reasonable force might be appropriate, or necessary, to control or restrain a pupil. They will fall into three broad categories.

- a) where action is necessary in self-defence or because there is an imminent risk of injury;
- b) where there is a risk or developing risk of injury, or significant damage to property;
- c) where a pupil is behaving in a way that is compromising good order and discipline.

Examples of situations that fall within one of the first two categories are:

- a pupil attacks a member of staff, or another pupil;
- pupils are fighting;
- a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- 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;
- a pupil is running in a corridor or on a stairway in a way in which he or she might cause an accident likely to injure himself or others;
- A pupil absconds from class or tries to leave school (N.B. this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations that fall into the third category are:

- a pupil persistently refuses to obey an order to leave a classroom;
- a pupil is behaving in a way that is seriously disrupting a lesson.

### **Reasonable Force**

There is no legal definition of 'reasonable force'. So it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.

There are two relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore,

physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.

- The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age, understanding, and sex of the pupil.

### **Practical Considerations**

Before intervening physically a teacher could, wherever practicable, tell the pupil who is misbehaving or behaving in an uncontrolled manner to stop, and what will happen if he or she does not. The teacher should continue attempting to communicate with the pupil throughout the incident, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary. A calm and measured approach to a situation is needed and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

Sometimes a teacher should not intervene in an incident without help (unless it is an emergency). For example, when dealing with an older pupil, or a physically large pupil, or more than one pupil, or if the teacher believes he or she may be at risk of injury. In those circumstances the teacher should remove other pupils who might be at risk, and summon assistance from a colleague or colleagues, or, where necessary, phone the police. The teacher should inform the pupil(s) that he or she has sent for help. Until assistance arrives the teacher should continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

### **Application of Force (DFEE 10/98)**

Many members of teaching and associate staff have been trained in the restraint forms recommended by Team Teach training, but physical intervention may take a range of additional forms. It might involve staff:

- Physically interposing between pupils
- Blocking a pupil's path
- Holding
- Pushing
- Pulling
- Leading a pupil by the hand or arm
- Shepherding a pupil away by placing a hand in the centre of the back; or (in extreme circumstances) using more restrictive holds
- Removal of shoes from a child who is kicking others
- Removal of any object used as a weapon

#### **(Additional Interventions)**

In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of 'reasonable force': for example to prevent a young pupil running off a pavement onto a busy road, or to prevent a pupil hitting someone, or throwing something.

In other circumstances staff should **not** act in a way that might reasonably be expected to cause injury, for example by:

- Holding a pupil around the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe;
- Slapping, punching or kicking a pupil;
- Twisting or forcing limbs against a joint;
- Tripping up a pupil;
- Holding or pulling a pupil by the hair or ear;
- Holding a pupil face down on the ground.

Staff should always avoid touching or holding a pupil in a way that might be considered indecent.

Where the risk is not so urgent the teacher should consider carefully whether and if so when, physical intervention is right. Adults should always deal with a situation through other strategies, such as the use of de-escalation techniques to defuse and calm a situation, before using force. In a non-urgent situation force should only be used when other methods have failed.

That consideration is particularly appropriate in situations where the aim is to maintain good order and discipline, and there is no direct risk to people or property. As the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided. The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated. Physical intervention to enforce compliance with staff instructions should never be used as a substitute for good behaviour management.

### **Recording Incidents**

It is important that there is a detailed, written report of any occasion (except minor or trivial incidents) where force is used. It may help prevent misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint.

Staff should maintain an up-to-date record of all such incidents, in an incident file. Immediately following any such incident the member of staff concerned should tell the Executive Headteacher/CEO or member of the Senior Leadership Team and provide a written report as soon as possible afterwards (Appendix A). That should include:

- The name(s) of the pupil(s) involved, and when and where the incident took place;
- The names of any other staff or pupils who witnessed the incident;
- The reason that force was necessary (e.g. to prevent injury to the pupil, another pupil or member of staff);
- How the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied and for how long;
- The pupil's response, and the outcome of the incident;
- Details of any injury suffered by the pupil, another pupil, or a member of staff and any damage done to property.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report.

All staff should be aware of the school's child protection procedures, including procedures for dealing with allegations against staff, which are informed by the NEOST/Joint Union Guidance. Staff who are the subject of allegations are advised to contact their professional association. Detailed guidance on all aspects of child protection can be found in AAT's **Safeguarding Policy**.

Incidents involving the use of force can cause the parents/carers of the pupil involved great concern. It is always advisable to inform parents/carers of an incident involving their child, and give them an opportunity to discuss it. The Executive Head Teacher/CEO/ Head of School, or member of staff to whom the incident is reported, will need to consider whether that should be done straight away or at the end of the school day, and whether parents/carers should be told in writing.

### **Complaints**

Involving parents/carers when an incident involving their child occurs, together with a clear policy about physical contact with pupils that staff adhere to, should help to avoid complaints from parents/carers. A dispute about the use of force by a member of staff might lead to a complaint.

The possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or a civil action brought by a pupil or parent/carer, cannot be ruled out. In those circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in all the circumstances. In that event however, the panel or court would have regard to the provisions of Section 550A. It would be likely to take account of the school's policy on restraint, whether that had been followed, and the need to prevent injury, damage, or disruption, in considering all the circumstances of the case.

### **Physical contact with pupils in other circumstances**

There are occasions when physical contact with a pupil may be proper or necessary other than those covered by Section 550A of the 1996 Act. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons and sports coaching, or Intimate Care support, or if a member of staff has to give first aid. Young children and children with Special Educational Needs may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is in distress and needs comforting. Teachers will use their own professional judgement when they feel a pupil needs this kind of support.

There may be some children for whom touching is particularly unwelcome. For example, some pupils may be particularly sensitive to physical contact because of their cultural background, or because they have been abused. It is important that all staff receive information on these children. In addition, the school will need to develop clear common practice towards particular groups of children and events. There should be a common approach where staff and pupils are of different sexes. Staff should be aware that even well-intentioned physical contact can sometimes be misconstrued.



**For information on managing disruptive and aggressive behaviours, see the Behaviour and Bullying Policy.**

### **Whistleblowing**

Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. For further guidance see the Trust's Whistleblowing Policy.

Staff should acknowledge their individual responsibilities to bring matters of concern to the attention of senior leadership and/or relevant external agencies. This is particularly important where the welfare of children may be at risk.

### **Conclusion**

When using force members of staff should only use the minimum amount of force required in achieving the required outcome. Staff should, where possible, avoid any type of intervention that is likely to injure a pupil, unless in the most extreme of circumstance where there is no viable alternative. Also staff should avoid using force unless another member of staff is present to support, observe or call for assistance. Parents/carers will always be informed.

Staff who have been identified as needing training in this area, will access training for example through deliverers of accredited courses. Our SENCo will also provide information to staff about relevant training opportunities.

Following the use of physical intervention staff and pupils will be supported, the immediate physical needs of all parties will be met and staff will ensure that positive relationships are maintained.

We will also make clear to pupils that they have a right, and are able, to question/complain about the use of reasonable force, We will ensure mechanisms are in place for pupils, parents/carers and staff to voice their opinions, comments and concerns. Complaints and allegations will be taken seriously and will be investigated thoroughly and speedily. (See Complaints Procedure policy)

This policy will be monitored regularly and reviewed annually by the Board of Trustees and Local Governing Body.

Policy reviewed: Autumn 2021

Next review: Autumn 2022

Appendix A  
Abbey Academies Trust Restraint Record

Name of Academy:

Date of Incident:

Name of Pupil(s):	
Staff Involved:	
When the incident took place:	
Where the incident took place:	
Names of any witnesses:	
Details of the behaviour leading to the use of the restraint (what the child was doing or saying)	
Details of the incident and steps taken to diffuse the conflict without force e.g. Humour Verbal advice and support Firm clear directions Negotiation Limited choices Distraction Diversion Reassurance Swap adult Planned ignoring Contingent touch Calm talking Calm stance Patience Withdrawal offered Withdrawal directed Reminders about consequence Success reminders	
Why the measure was necessary (your dynamic assessment) e.g. risk to self risk to others risk to safe physical environment risk to safe psychological environment prevention of psychological distress prevention of physical harm prevention of criminal offence	
Nature of restraint (what you did and what you said), including duration of physical restraint:	

The effectiveness of the measure:	
Outcome of the incident including any consequences, how parents/carers were informed/ whether any agencies were informed:	
Description of any injuries to other pupils/adults or damage to property:	

Name of Person(s) making this record \_\_\_\_\_

\_\_\_\_\_

Signature of Person(s) making this record \_\_\_\_\_

\_\_\_\_\_

Date

Time

Name of Person(s) monitoring this record \_\_\_\_\_

Date Checked \_\_\_\_\_