



*'Individual Growth, Individual People'*

Head Teacher: Mrs M A Tyers

# Physical Intervention Policy

Reviewed April 2021

## **PHYSICAL INTERVENTION POLICY (Use of Reasonable Force)**

### **OBJECTIVES**

Here at Newark Orchard School we aim 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 school or on a school-run activity.

This policy should be read in conjunction with our behaviour, discipline, child protection (and the broader safeguarding agenda) policies.

### **POLICY DEVELOPMENT**

This policy is also written in line with Nottinghamshire County Council's policy on the same subject, entitled 'Keeping Classrooms Safe for Learning and Teaching' and the advice regarding the use of safe spaces.

### **USE OF POSITIVE TOUCH**

This policy is not designed to discourage staff from using touch in an appropriate and meaningful way. Our students require staff to use physical contact in many positive ways and should not feel that this policy restricts them from providing those contact experiences.

'Schools should **not** have a 'no contact' policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a pupil, or prevent them taking action needed to prevent a pupil causing harm'

Use of reasonable force, Advice for headteachers, staff and governing bodies, July 2013

### **MINIMISING THE NEED TO USE REASONABLE FORCE**

As a school 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 will only use force as a last resort and strongly believe in de-escalating any incidents as they arise to prevent them from reaching a crisis point. Staff will be 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 involved by not using force.

### **STAFF AUTHORISED TO USE REASONABLE FORCE**

Under Section 93 of the Education and Inspection Act (2006) and the DFE guidance on the use of reasonable force (July 2013) all staff working within our school environment are authorised to use reasonable force where appropriate both within the building and grounds and whilst in charge of the students on external visits.

## **DECIDING WHETHER TO USE REASONABLE FORCE**

Under English law, members of staff are empowered to use reasonable force to prevent a pupil from or stop them continuing:

- committing any offence;
- causing personal injury to, or damage to the property of, any person (including the pupil himself); or,
- prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.

All members of staff will make decisions about when, how and why to use reasonable force. To help staff in making decisions about using reasonable force the following considerations may be useful:

- whether the consequences of not intervening would have seriously endangered the wellbeing of a person;
- whether the consequences of not intervening would have caused serious and significant damage to property;
- whether the chance of achieving the desired outcome in a non physical way was low;
- the age, size, gender, developmental maturity of the persons involved.

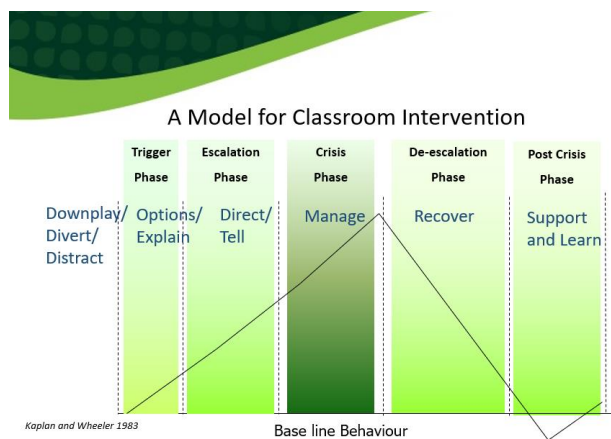
Staff are also expected to remember that physical intervention is only one option and for behaviours involving extreme levels of risk it may be more appropriate to gain support from other agencies, including the police.

Staff will be kept informed and have a duty to inform others about the plans around specific pupils who can present risks to themselves and others. This may include information about SEN, personal circumstance and temporary upset. Staff will also be informed of any safeguarding information on a need to know basis.

## **USING REASONABLE FORCE**

When using force members of staff should only use the minimum amount of force required in achieving the required outcome.

Staff should also use force within the context of existing good practice in non-physical skills and techniques, such as in the Classroom Intervention Model:



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 was no viable alternative. Also staff should avoid using force unless or until another member of staff is present to support, observe or call for assistance.

### USE OF SAFE SPACES & BLOCKING

The use of a safe space is to ensure the safety of all of our pupils. A young person will not be restricted to leave a safe space unless there is an immediate danger to themselves or others. If the use of a safe space and a restriction of movement is necessary this will be recorded on our CPOMs system and parents/carers will be informed in writing the same day. The use of safe spaces will be monitored by the Senior Leadership Team as part of the analysis of all incidents and any patterns will be identified. The information recorded will include which pupil is involved, the members of staff dealing with the incident, the time and date of when the space was used and for how long. The use of the safe space will allow the pupil to calm down and reflect on their behaviour whilst being observed by a member of staff from a safe distance. A pupil will only be prevented from leaving the space until they have calmed down sufficiently to allow them to leave without being a danger to themselves or others. At other times students may be refused entry into a space if their behaviour is not conducive to the learning or safety of the other students, staff and property. This restriction will be reported as 'Blocked' within CPOMs and will not stop the students from moving to other spaces around school meaning they have access to other areas around the building and school grounds.

### STAFF TRAINING

Staff at Newark Orchard School, who have been identified as needing training in this area, will access physical intervention CRB training through the County Council scheme.

These courses provide participants with an insight into recent legislation and guidance that could impact on policy and practice, as well as a range of physical and non-physical strategies to help manage the risks posed by children and young people's behaviour.

Nottinghamshire County Council has developed the CRB (Coping with Risky Behaviour) training in line with documents produced by BILD. Through the use of experienced staff they have developed a training programme that is suitable to the needs of students throughout the county.

These training programmes will be delivered to staff via whole school inset or by accessing specialist training events.

Staff who receive this training will be accredited to use the physical elements of CRB for a defined period as stated on their certificate. Staff will be expected to attend a refresher course to update their skills and renew their certification every 12-15 months.

Although it is considered best practise for all staff to have the appropriate physical intervention training there will be some staff without. It should be made clear that these staff members still have a responsibility to maintain the safety of our students, their colleagues and members of the public. If this requires the use of a physical intervention without training then this would be deemed an act of necessity and should only continue until an appropriately trained member of staff is in attendance.

## **RECORDING AND REPORTING INCIDENTS**

The governing body will ensure that a procedure is in place, and is followed by staff, for recording and reporting significant incidents where a member of staff has used force on a pupil or has used a safe space. The record must be made as soon as practicable after the incident and reported to parents/carers.

While ultimately only a court of law could decide what is 'significant' in a particular case, in deciding whether or not an incident must be reported, staff should take into account:

- an incident where unreasonable use of force is used on a pupil would always be a significant incident;
- any incident where substantial force has been used (e.g. physically pushing a pupil out of a room) would be significant;
- the use of a restraint technique is significant;
- an incident where a child was very distressed (though clearly not over reacting) would be significant.

In determining whether incidents are significant, schools should consider:

- the pupil's behaviour and the level of risk presented at the time;
- the degree of force used and whether it was proportionate in relation to the behaviour;
- the effect on the pupil or member of staff.

Staff should also bear in mind the age of the child; any special education need or disability or other social factors which might be relevant.

Sometimes an incident might not be considered significant in itself, but forms part of a pattern of repeated behaviour. In this case, although there is no legal requirement to record such incidents, schools are advised to let parents know about them.

Records are important in providing evidence of defensible decision-making in case of a subsequent complaint or investigation. Staff may find it helpful to seek the advice of a senior colleague or a representative of their trade union when compiling a report.

Newark Orchard School will use 'CPOMs' to record incidents. If an injury occurs then the school will use the Nottinghamshire County Council electronic health and safety recording system 'WellWorker'.

### **POST-INCIDENT SUPPORT**

A letter informing parents/carers that a level 3 physical intervention or the restrictive use of a safe space has been necessary will be sent home on the same day.

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.

### **COMPLAINTS AND ALLEGATIONS**

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 that mechanisms are in place for pupils, parents, carers and staff to voice the opinions, comments or concerns.

### **MONITORING AND REVIEW**

This policy will be monitored regularly and reviewed by the governing body at least annually or as required.

### **FURTHER INFORMATION**

Can be found in the Nottinghamshire County Council's policy on the same subject, entitled 'Keeping Classrooms Safe for Learning and Teaching' and the advice provided regarding the use of safe spaces.