

Gillotts School

Policy on the use of physical intervention by staff to control or restrain students (Care & Control)

Objectives

To fulfil the School's Duty of Care by:

- maintaining the safety of students and staff
- preventing serious breaches of school discipline
- preventing serious damage to property

Minimising the need of physical intervention

The school's behaviour for learning policy rewards effort and encourages students to take responsibility for improving their own behaviour. As part of our preventative approach to risk reduction we aim to create calm environments that minimise the risk of incidents that might require the use of physical intervention arising. Our approach to behaviour management is informed by Team Teach (a behaviour management programme that aims to promote the least intrusive positive handling strategies and a continuum of gradual and graded techniques with an emphasis and preference for verbal and non-verbal de-escalation strategies), thus equipping teachers with a toolkit to teach students how to manage conflict and strong feelings. Staff focus on de-escalating incidents if they do arise by, for example:

- Requesting alternatives using negotiation and reason
- Giving clear directions to the student to stop
- Reminding the student about rules and likely outcomes
- Removing an audience
- Giving take-up time
- Showing care and concern
- Performing a range of positive handling strategies, involving guiding and escorting safely

Staff only use physical intervention when the risks involved in so doing are outweighed by the risks involved in not using physical intervention.

Staff authorised to use physical intervention

Our preferred practice is that all teachers and staff authorised by the Headteacher to have control or charge of students (eg LSAs, Gateway staff, cover supervisors) are suitably trained and have permanent authorisation to use physical intervention. This does not override any individual member of staff's right to exercise their legal powers as long as those staff:

- Act within the law
- Act in a way that is compatible with exercising their statutory Duty of Care
- Act in good faith
- Have regard to this policy

Deciding whether to use physical intervention

The key principles are that any physical intervention should be:

- In the best interest of the student
- Reasonable, proportionate and necessary to reduce risk
- The least intrusive and restrictive of those options which are likely to be effective

Staff should avoid touching or restraining a student in a way that could be interpreted as sexual or inappropriate contact.

Staff only use physical intervention when:

- The potential consequences of not intervening are sufficiently serious to justify considering use of physical intervention
- The chances of achieving the desired result by other means are low
- The risk associated with not using physical intervention outweighs those of using physical intervention

By law, staff may use such force as is reasonable and proportionate in the circumstances to prevent a student from doing, or continuing to do, any of the following:

- Committing any criminal offence
- Causing personal injury to, or damage to the property of, any person (including the student himself)
- Prejudicing the maintenance of good order and discipline at the school

There may be other circumstances in which the use of force may be deemed to be reasonable and proportionate, for example to remove a disruptive child from the classroom where s/he has refused to follow an instruction to do so. However it should be noted that use of force to remove pupils from, or prevent them from leaving, a classroom is a power not a duty, is open to misinterpretation, and the legal outcome cannot be predicted.

All students who have been identified as presenting a behaviour risk which might need to be managed through physical intervention will have a Positive Handling Plan, developed by the Head of House in consultation with the SENCo and parents. The plan details the settings and situations which increase risk. It also details any strategies which have been found effective for that individual, along with any particular responses that are not recommended. The plan will be shared with all staff who have regular contact with the student and may be shared with all staff, based on the level of risk assessed.

Our preferred practice is that the highest behavioural risks should always be managed by calling the police.

Using physical intervention

It is important that only the minimum physical intervention is used to achieve the desired result is used and that physical contact or restraint stops as soon as it ceases to be necessary.

Staff should be able to answer three key questions when justifying the use of physical intervention, which focus on the rights and interests of the student:

- How was this intervention in the best interests of the student?
- Why was it absolutely necessary?
- How was it reasonable and proportionate?

Staff must not react in anger. It is always unlawful to use physical intervention as punishment and in no circumstances should pain be deliberately inflicted or the student subjected to undignified or humiliating treatment. Other than as a one-off emergency measure to protect health and safety, physical intervention should never be used to keep a student secluded. It is not reasonable to use physical intervention simply to enforce compliance in circumstances where there is no risk.

Where possible staff will always attempt to use diversion or diffusion in preference to physical interventions.

The types of physical intervention used could include:

- Passive physical contact resulting from standing between students or blocking a student's path
- Active physical contact such as:

- Leading a student by the hand or arm
- Ushering a student away by placing a hand on their upper arm and guiding them away

- In more extreme circumstances, using appropriate restrictive holds, in which staff who are likely to need to use them would be appropriately trained

As far as possible, staff should not use physical intervention unless or until another responsible adult is present to support, observe and call for assistance.

Staff training

Training in use of physical intervention is part of the ongoing behaviour management training of all teachers and others with permanent authorisation. Training covers ways of avoiding or defusing situations in which physical intervention might become necessary, as well as physical intervention.

Recording incidents

We keep systematic records, using SIMS, of every significant incident in which physical intervention has been used. Our preferred practice is that parents will be informed of the details of the incident, taking into account reasonable demands of confidentiality. The incident record will be retained as part of the student's educational record. The Headteacher monitors all incidents where physical intervention has been used. All incidents of restraint will be recorded on SIMS and any major injuries made to staff will be reported, consistent with RIDDOR requirements.

Post-incident support

Following a significant incident the school will offer support to all involved. The immediate priorities are to reduce risk, calm the situation down and provide medical help if there are any injuries. Later time is found to repair relationships and to learn from events.

Complaints and allegations

Complaints will be handled using the school *Complaints Policy*. If an allegation of abuse is made against a member of staff this will be referred to OCC's Safeguarding team for advice on how to proceed.

Further information

DCSF, The Use of Force to Control or Restrain Pupils (2007)
OCC, Model Positive Handling Policy for Schools and Similar Settings (2009)
DfE, Use of Reasonable Force Guidance (2013)

Monitoring and review

Monitoring and review of this policy is the responsibility of the Headteacher but she will seek guidance and advice from the Governors' Curriculum and Student Progress Sub-committee.

This policy has been drawn up in good faith, based on the advice of the Local Authority, to meet the needs of Gillotts School. The policy will be reviewed at least every three years, to ensure compliance with all current legislation.

Date of implementation: May 2009

Reviewed: February 2018

Review date: February 2020

Use of physical intervention to control or restrain students: Incident Record

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| Details of student or students on whom physical intervention was used by a member of staff: (eg. Name, Tutor Group) | |
| Date, time and location of incident | |
| Names of staff involved (directly or as witnesses) | |
| Details of other students involved (directly or as witnesses), including whether any of the students involved were vulnerable for SEN, disability, medical or social reasons | |
| Description of the incident by the staff involved, including any attempt to de-escalate and warnings given that physical intervention might be used. | |
| Reason for using physical intervention and description of physical intervention used | |
| Any injury suffered by staff or students and any first aid or medical attention required | |
| Reason for making a record of the incident | |
| Follow up, including post-incident support and any disciplinary action against students | |
| Any information about the incident shared with staff not involved in it and external agencies | |
| When and how those with parental responsibility were informed about the incident and any views they have expressed | |
| Has any complaint been lodged (details should not be recorded here)? | |
| Report compiled by: | Report countersigned by: |
| Name and role: | Name and role: |
| Signature: | Signature: |
| Date | Date |