

EAST MIDLANDS EDUCATION TRUST

Physical Intervention Policy



East Midlands
Education Trust

Objectives

Each school aims to provide a safe, caring and friendly environment for all our students to allow them to learn effectively, improve their life chances and help them maximise their potential.

We take the safety of all our students and staff very seriously. We believe that all students 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 each schools behaviour policy (which is a delegated responsibility) and EMETs child protection policies.

Minimising the need to use force

As a Trust, we are firmly committed to creating a calm and safe environment that minimises the risk of incidents arising that might require the use of reasonable force.

Our staff 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 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 force

Under Section 93 of the Education Inspection Act (2006) the head teacher of a school is empowered to authorise those members of his/her staff enabled to use reasonable force. Each head teacher in an EMET school has empowered the following members of staff to use reasonable force:

- Teachers and any member of staff who has control or charge of students in a given lesson or circumstance have permanent authorisation.
- Other members of staff such as site and administrative teams also have the power to use reasonable force if a circumstance should arise in which immediate action should be taken.
- Schools do not require parental consent to use force on a student.

Deciding whether to use force

Under English Law, members of staff are empowered to use reasonable force to prevent a student from or stop them continuing to

- commit any offence;
- cause personal injury to, or damage to the property of, any person (including the student himself); or
- prejudice the maintenance of good order and discipline at the school or among any students 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, development 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 students who can present risks to themselves and others. This may include information about SEN (Special Educational Needs), personal circumstance and temporary upset.

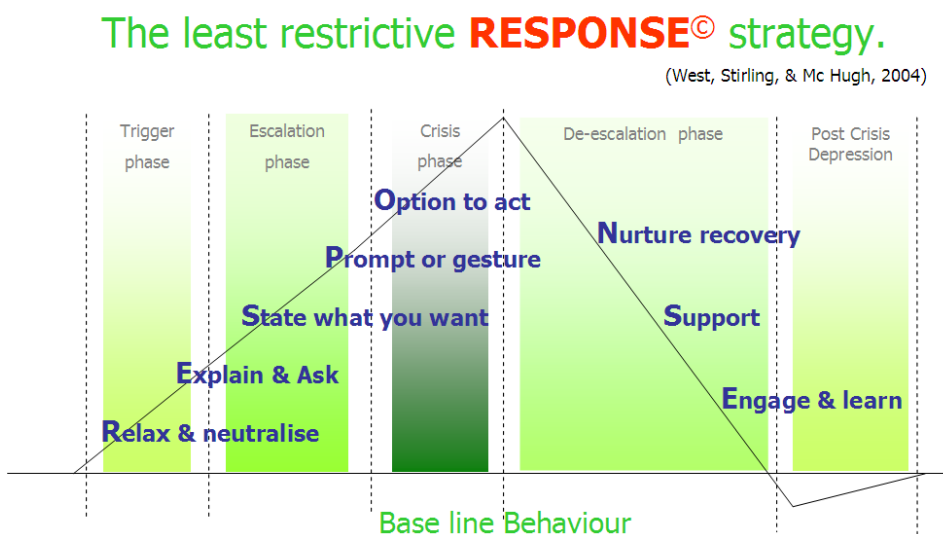
An individual risk assessment (Appendix One) will be made where it is known that force is more likely to be necessary to restrain a particular student, such as a student whose SEN and/or disability is associated with extreme behaviour. An individual risk assessment is also essential for students whose SEN and/or disability are associated with:

- communication impairments that make them less responsive to verbal communication;
- physical disabilities and/or sensory impairments;
- conditions that make them fragile, such as haemophilia, brittle bone syndrome or epilepsy; or
- dependence on equipment such as wheelchairs, breathing or feeding tubes.

Using 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 RESPONSE strategy:

Overlaid onto The Assault Cycle (Kaplan & Wheeler, 1983)



- R Relax and neutralise:** try to respond in a relaxed way that does not focus attention on the behaviour i.e. interact and focus on the person whilst downplaying the behaviour to neutralise its effect. Maintain a neutral response and attempt to positively interact with the person.
- E Explain and ask:** explain what you want the person to do. This should be in the form of a request that can be understood by the person to encourage them to behave differently.
- S State:** state what you want the person to do. This requires a clear and assertive statement that can be understood by the person to encourage them to behave differently.
- P Prompt or gesture:** prompt the person to change their behaviour by adding a physical gesture or physical contact to your verbal interactions.
- O Option to act:** option to act to interrupt the behaviour and reduce risk. You may be able to justify a physical action to 'disengage' from the person, or to implement some type of restrictive physical restriction in the form of 'safe holding' to reduce the immediate or potential risk(s).
- N Nurture recovery:** nurture the recovery process. This requires staff to work with the person to help them to regain personal control and composure, thus moving towards a lower-risk state of baseline behaviour.

- S** **Support:** supporting people after an event is crucial in helping to avoid a repeat incident in the short-term, and to help people to deal effectively with their experience.
- E** **Engage and learn:** engaging with the person at an appropriate time after the event will help them to express their thoughts, feelings and perceptions of the incident and staff responses. This process will encourage reflection and the potential for learning by all parties and offer an opportunity to make complaints. By ensuring a transparent and open approach, staff will benefit greatly by gaining a better understanding and insight into the person and their particular needs.

Staff should, where possible, avoid any type of intervention that is likely to injure a student, unless 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, where possible, observe or call for assistance.

Parental consent is not required to restrain a student.

Staff training

Staff will access training which will 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.

Recording and reporting

The Principal/Head Teacher 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 student (Appendix Two). The record must be made as soon as practicable after the incident and should be made by the member of staff involved in the incident.

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 student would always be a significant incident;
- any incident where substantial force has been used (e.g. physically pushing a student 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 overreacting) would be significant.

In determining whether incidents are significant, schools should consider:

- the student'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 student or member of staff.

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

Sometimes an incident might not be considered significant in itself, but it 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 though are important in providing evidence of defensible decision-making in case of a subsequent complaint or investigation and schools should have a system of recording such incidents.

By way of example, some Nottinghamshire schools use the LA's electronic recording system called 'WellWorker'. This enables staff to report and record electronically any significant incident where force has been used. Staff may find it helpful to seek the advice of a senior colleague or a representative of their trade union when compiling a report.

Post-incident support

Following the use of physical intervention staff and students 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

The School Standards and Framework Act 1998, section 39(1) places a duty on all Trusts to establish a complaints procedure for parents/carers to make complaints about all matters related to the school that are not covered under other statutory procedures. A full copy of each school's Complaints Procedure is available from each individual school.

We will also make clear to students that they have a right and are able to question/complain about the use of reasonable force.

When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she acted appropriately.

Monitoring and review

This policy will be monitored regularly and reviewed by the Trustees every 3 years.

The Principal/Head Teacher is responsible for the implementation of this policy.

Reviewed by:	Trustees
Review date:	Autumn 2020
Next review:	Autumn 2023

Risk Assessment for _____

CONFIDENTIAL

Hazard	Risk	Person(s) at risk	Control measures	Comments/Actions	Residual risk rating	✓ tick if all in place and give timeframe

Assessment carried out by

Date

Signed

Physical intervention recording form

Student name:

Tutor group:

Date of incident:

Time of incident:

Location of incident:

Name(s) of staff involved:
(directly or indirectly)

Details of other students involved:

.....

Description of incident including any de-escalation

Reason for using force

Any injury to staff or students and details of first aid or medical attention

Follow-up, including post incident support and disciplinary procedures

Any information shared with staff not
involved or other agenciesHow and when were those with parental responsibility
informed

Has any complaint been logged as a result of this incident YES / NO

Signed Date

Print Name

Manager's signed

WELLWORKER/OSHENS ACCIDENT/INCIDENT REPORTING SYSTEM NOTIFICATION FORM SR3/5

Part A : Please complete all sections of this form. If necessary continue on page 3 or attach further information		
Type of incident: <i>(If you are unsure of the category, leave blank. Inputter to refer to definitions list.)</i> Work related injury ☐ Work related disease/illness ☐ Medical issue (not arising from work) ☐ Recreational/sporting accident ☐ Road traffic collision ☐ Physical violence ☐ Physical intervention ☐ Verbal abuse or threat ☐ Anti-social behaviour ☐ Damage to eco-system ☐ HSE Dangerous occurrence (under RIDDOR) ☐ Enforcement Action ☐ All near miss incidents should now be recorded on the SR3.5A		Wellworker Ref No. <i>(Entered by Inputter):</i>
Reporting Department:	Service:	Group/Team:
Name & phone no. of person completing report:		Date and time of incident:
Description of what happened: Activity taking place and what happened, including possible causes. Please give as much detail as possible		
Where did it happen? Give full address and location in building/site/area Are these NCC premises? Yes ☐ No ☐		
Person 1 Involved : e.g. affected person		
Employee ☐ Employee (Trainee) ☐ Agency ☐ Volunteer ☐ Contractor ☐ Pupil ☐ Member of Public ☐ Visitor ☐ Service User ☐ Involvement: Affected person ☐ Affected person (no injury) ☐ Perpetrator ☐ Witness ☐ Physically assaulted ☐ Verbally Assaulted ☐ First Aider ☐ First on Scene ☐ Line Manager ☐ Enter any comments relevant to the nature of their involvement:		
Name:	Age Male ☐ Female ☐	Address and/or Telephone: (If non-employee or if employee is injured and incident is RIDDOR reportable)
Department, Service and Team, Job Title & Phone no: (if employee)		
Injury or ill-health details: Type of injury and exact location on body (e.g. deep cut to left index finger, sprain to right ankle)		
Injury severity : minor ☐ serious injury/ill health ☐ major injury/ill health ☐ fatal ☐ Initial treatment: None ☐ Treatment offered but refused ☐ At scene ☐ At local first aid point ☐ At Occupational Health ☐ At local GP surgery ☐ At hospital ☐ Details of treatment (who, what, when)		
Did person become unconscious Yes ☐ No ☐ Require resuscitation? Yes ☐ No ☐ Did person remain in hospital more than 24 hours Yes ☐ No ☐		
What happened after incident?		
Returned to work or normal activity ☐ Taken to hospital ☐ Referred to hospital ☐ Referred to dentist ☐ Referred to own GP ☐		

Sent/taken home ☐ Not known ☐		
If leaving site please state mode of transport:		
Have the Next of kin been informed Yes ☐ No ☐		
Person 2 Involved : e.g. second affected person, perpetrator, witness		
Employee ☐ Employee (Trainee) ☐ Agency ☐ Volunteer ☐ Contractor ☐ Pupil ☐ Member of Public ☐ Visitor ☐ Service User ☐		
Involvement: Affected person ☐ Affected person (no injury) ☐ Perpetrator ☐ Witness ☐ Physically assaulted ☐ Verbally Assaulted ☐ First Aider ☐ First on Scene ☐ Line Manager ☐ Enter any comments relevant to the nature of their involvement		
Name:	Age Male ☐ Female ☐	Address and/or Telephone: (if non-employee or if employee is injured and incident is RIDDOR reportable)
Department, Service and Team, Job Title & Phone No: (if employee)		
Injury or ill-health details: Type of injury and exact location on body (e.g. deep cut to left index finger, sprain to right ankle)		
Injury severity : minor ☐ serious injury/ill health ☐ major injury/ill health ☐ fatal ☐		
Initial treatment: None ☐ Treatment offered but refused ☐ At scene ☐ At local first aid point ☐ At Occupational Health ☐ At local GP surgery ☐ At hospital ☐		
Details of treatment (who, what, when)		
Did person become unconscious Yes ☐ No ☐ Require resuscitation? Yes ☐ No ☐		
Did person remain in hospital more than 24 hours Yes ☐ No ☐		
What happened after incident?		
Returned to work or normal activity ☐ Taken to hospital ☐ Referred to hospital ☐ Referred to dentist ☐ Referred to own GP ☐ Sent/taken home ☐ Not known ☐		
If leaving site please state mode of transport:		
Have the Next of kin been informed Yes ☐ No ☐		
Property Damage: (Item and brief description plus cost estimate if possible) General ☐ Environmental ☐ Vehicle ☐ Premises ☐		
Other Information:		
Describe actions taken at the scene and by whom:		
Was any machinery or equipment involved in this incident? Yes ☐ No ☐ If so, was it powered? Yes ☐ No ☐ Details:		
Were any hazardous substances/materials involved in this incident? Yes ☐ No ☐ If yes is there a safety data sheet? Yes ☐ No ☐ N/A ☐ Details of hazardous substance or material:		
Indicate how exposure occurred:		
Was any PPE being worn or used at the time of the incident? Yes ☐ No ☐ Details of PPE:		
Were the Police called? Yes ☐ No ☐ What time did Police attend? Crime reference no: Is there any photographic of CCTV footage? Yes ☐ No ☐ If yes where is it held? What does the CCTV footage show?		

Name:

Signature

Job
Title: Date:

The following types incidents are RIDDOR reportable.

The HSE must be notified via the Wellworker System of all work related RIDDOR incidents. If you need to report a dangerous occurrence or case of disease you will need to use one of the links on the Wellworker RIDDOR page. Please note that data recorded through these links is NOT stored within this system.

	Tick if reportable under RIDDOR
An employee (or self-employed person working under NCC control) suffers one of the HSE specified injuries.	☐
Anyone is killed as a result of NCC activities.	☐
A member of public (incl. students & service users) is taken straight to hospital from an NCC site or activity. There must be some suggestion that NCC was in some way at fault for the incident.	☐
An employee (or self-employed person working under NCC control) is absent from work OR unavailable for their normal work duties as a result of this incident, for more than SEVEN consecutive days (including non-working days but not the day of the incident).	☐ Absent from: Absent to:
An employee is diagnosed (by a medical professional) with a specified occupational disease that is associated with the work the employee does.	☐
The incident <u>could</u> have resulted in any of the reportable injuries described above (a "HSE Dangerous Occurrence – see RIDDOR regulations")	☐