



Doing our best to achieve our best

Clarendon Primary School, Nursery & Children's Centre

Positive Touch and use of restrictive physical intervention Policy

Introduction

At Clarendon Primary School we believe that in order to learn children need to feel safe, secure and valued. Through the implementation of our behaviour and anti-bullying policies and our 'PHSE and Citizenship' policy, we aim to create a safe, calm, orderly and supportive school environment that minimises the risk of violence of any kind.

Through this policy Clarendon Primary School endeavours to ensure that all children are safe and all staff, parents and children are aware of the procedures and practice that will be carried out to ensure this happens. This policy links with the schools behaviour policy, anti-bullying policy and special educational needs policy. It is intended to ensure that it will prevent serious breaches of school discipline and prevent injury to individuals or serious damage to property.

Where a difficulty arises, we will always try to de-escalate the incident, only using 'reasonable' force where a child is placing themselves or others at risk or where the risks involved in doing so are outweighed by the risks involved in not using reasonable force.

In order to minimise the need to use force or restrain a child all staff will strive to: -

- create a calm environment that minimises the risk of incidents that might require the use of force
- apply school rules consistently and fairly
- develop effective relationships with all children
- ensure the supervision of all children is carried out in a consistent manner so children and staff are comfortable within the setting
- use relevant materials or approaches to teach children how to manage conflict and strong feelings / emotions
- use appropriate instructions and have appropriate training to enable them to be effective in their various roles – in and out of the classroom
- ensure that 'handling plans', when required, are put in place and training is given to ensure staff are equipped to deal with individual children who have been identified as experiencing challenging behaviour
- warn a child, whenever possible, that force may have to be used before using it

Acceptable forms of contact and physical intervention

In school there are occasions, for a variety of reasons, when staff will have cause to make 'physical' contact with a child. With this in mind, this school does not operate a 'no touch' policy as it would not enable staff to effectively support the safety and emotional well-being of the children. Reasons for 'physical' contact include:

- communication
- administering first aid
- to comfort a pupil in distress (as long as this is appropriate to their age)

- to congratulate a child for something (e.g. use of 'hi five' or a handshake)
- to gently direct a pupil, (holding hands, hand on shoulder etc).
- curricular reasons, (e.g. making contact in PE to demonstrate techniques or exercises).
- to support young children and those with SEN who may need staff to provide physical prompts or help
- for life skills (changing for PE, toileting, using cutlery etc)
- in an emergency in order to avert danger to the pupil or pupils
- in rare circumstances where the use of reasonable force is required to ensure the safety and well-being of the child in question, to stop significant damage to property or injury to others.
(**N.B** –in these situations, successfully managing the situation using other means is low or has already failed.)

In all these situations staff will use their own professional judgement, will always respect the wishes of the individual and consider:

- the pupil's age and level of understanding
- the pupil's individual characteristics and history
- the location where the contact takes place, (it should not take place in private without others present).

N,B – If a child requires physical support on a regular basis this information will be documented on an individual plan such as a 'handling plan', toileting plan or behaviour support plan. Furthermore, physical contact is never undertaken as a punishment or to inflict pain. (All forms of corporal punishment are prohibited.) Physical contact will also not become common practice between a member of staff and a particular child or be made with a child's neck, breasts, abdomen, genital area or any other sensitive part of the body.

Definition of reasonable force / restrictive physical intervention

Reasonable force / restrictive physical intervention are terms used to describe interventions where bodily contact, using force, is made. It refers to any instance in which a teacher or other authorised adult has to, in specific circumstances, use 'reasonable force' to control or restrain pupils. Whilst there is no legal definition of 'reasonable force', staff use the following four considerations as guiding principles:

- the use of force can **only** be regarded as 'reasonable' if the circumstances of an incident warrant it and where the chances of achieving the desired result, by other means, is low or has failed.
- the degree of force must be in proportion to the circumstances of the incident and the seriousness of the behaviour or consequences it is intended to prevent.
- the degree of force should be the **minimum** needed to achieve the desired result. It is important that staff effectively manage incidents by communicating calmly with non-threatening verbal and body language.
- the use of force will not be justified if used to prevent or manage 'trivial' misbehaviour.

Responsibilities

It is the headteacher's duty to ensure that all staff are aware of their statutory powers to use force and or restrain a child. As part of the induction process into school the headteacher will ensure staff are informed if they have the powers to restrain a child, if necessary, as well as whom they can turn to if they are in a situation with a child that may be causing concern.

Staff authorised to use force

The law allows teachers and other persons authorised by the Headteacher to use reasonable force to prevent a child from doing or continuing to do any of the following:

- committing a criminal offence.

- injuring themselves or others.
- causing damage to property.
- engaging in any behaviour that is prejudicial to maintain the good order and discipline at the school and that places themselves or others in danger or at risk.

At Clarendon Primary School all permanent staff members have the statutory power to use reasonable force. This power also includes adults whom the headteacher has given temporary authorisation to and applies on the school premises as well as elsewhere when staff are in 'lawful' control of children.

Deciding when and where to use restraint

As already outlined, there are situations when physical management may be necessary.

The judgement on whether to use force and what force to use should always depend on the circumstances that staff find themselves in. Time in these circumstances is often short with little time for reflection. Nevertheless, staff need to make the clearest possible judgements. Staff will need to decide the seriousness of the incident and the injury, disorder or damage that could occur if force is not used. They should also consider the chances of achieving a desired outcome by other means and the risks associated with physical intervention compared with using other strategies. In school all staff will have been made aware of any 'significant' children.

If a member of staff decides that the use of force is appropriate and an action of last resort then they should always:-

- try to engage the pupil in a calm tone, making clear that their behaviour is unacceptable, warning to the child that a physical intervention may have to be used.
- Suggest how the child is to be handled ensuring that no form of restraint is used that could constrict breathing. (Appropriate means are passive physical contact such as standing between children or blocking a child's path, leading a child by the hand or arm, ushering a child away by placing a hand in the centre of the back or in more extreme circumstances using appropriate restrictive methods that a member of staff has been trained to perform.)
- Try to ensure that they do not use force unless or until another responsible adult is present to support, observe or call for assistance.

As the safety and wellbeing of all staff and pupils is paramount, staff should always first give consideration to both their own safety and that of others as well as remember that we only ever use the **minimum** level of force needed to restore safety and appropriate behaviour.

Examples of situations that particularly call for judgements of this kind include:

- A child attacks a member of staff or other child.
- Children are fighting, causing risk or injury to themselves or others.
- A child is causing or on the verge of committing deliberate damage to property.
- A child is causing or is at risk of causing injury or damage by rough play or use of an object.
- A child absconds from a class or leaves school at an unauthorised time, where this would entail serious risks to the pupil (or other pupils) safety.
- A child persistently refuses to follow an instruction to leave a classroom.
- A child is behaving in a way that **seriously** disrupts a lesson, a school event or school visit.
- A pupil putting themselves in a situation that places them or others in immediate danger.

In these examples use of force would be reasonable (and therefore lawful) if it is clear the behaviour is dangerous and the situation could not be resolved in any other way. Account must also be taken of the individual needs of the child and their understanding of the situation.

The guiding principles relating to the use of 'reasonable force' are as follows: -

- it is an act of care and control, not punishment. It is never used to force compliance with staff instructions.
- staff will **only** use it when there are good grounds for believing that immediate action is necessary and in the pupil's and/or other pupil's best interests.
- 'reasonable force' will only be used where the potential consequences of not intervening are **sufficiently** serious to justify the use of force and where the chances of achieving the desired result, by other means, is **low**.
- staff will take steps in advance to avoid the need for the use of 'reasonable force' through dialogue and diversion and at the level of understanding of the child or young person.
- to prevent severe distress, injury, or damage, only the minimum force necessary will be used.
- after an incident, staff will be able to show that the intervention used was in keeping with any 'plan' in place and / or the school's policy.
- every effort would have been made to secure the presence of other staff, and these staff may act as assistants and/or witnesses.
- as soon as it is safe, the 'physical' intervention will be relaxed to allow the pupil to regain self-control.
- a distinction will be maintained between the use of a one-off intervention, which is appropriate to a particular circumstance, and the use of repeated intervention.
- intervention and escalation will be avoided at all costs, especially if it would make the overall situation more destructive and unmanageable.
- the age, understanding and competence of the individual pupil will always be taken into account.
- in developing individualised behaviour plans, consideration will always be given to approaches appropriate to each pupil's circumstance.
- procedures are in place for supporting and debriefing pupils and staff after every incident as it is essential to safeguard the emotional well-being of all parties involved.
- if a member of staff thinks a pupil might be carrying a weapon, alcohol, drugs or stolen property, they should talk to the Deputy Headteacher / Headteacher.

Recording and reporting incidents

A record sheet will be completed by all staff engaged in any incident where handling has taken place, even if they did not handle the child. They must be completed as soon as the situation has been dealt with to ensure accuracy and a true record of events. Once completed, they must be passed to the Headteacher and filed in the child's records. (Record sheets will be kept in the headteacher's office and can be found in appendix 4 of this policy.)

The headteacher or deputy headteacher will inform the parents of the child by phone, followed by a letter which will also invite them to come in and discuss the incident. When contacted parents should be told when and where the incident took place, what strategies were used to avoid the use of force, what force was used, whether any injuries occurred and what follow-up actions were taken.

All accident, incident or near miss reports must be recorded. Surrey schools can access the SCC on line health and safety event reporting portal via surreycc.oshens.com.

Post-incident support, (for staff and pupils)

Following any incidents where force has been appropriate the Headteacher will de-brief all parties involved to identify what happened and why. They will also make arrangements to support the staff and children as these can be upsetting times. (Children will be supported with their understanding of what happened, why they had to be stopped / restrained, what will

happen next and what the school will do to support them.) First aid will be administered by a trained first aider and emotional support will be provided as required.

Staff will also discuss the situation within 2 days with the Headteacher to make sure all procedures were followed and consider how we could try to avoid further repercussions; learning from the experience.

Developing a positive plan

Where it is felt that a child is **likely** to require the use of 'reasonable force', advice will be obtained from the behaviour support service and a 'plan' will be completed. To ensure everyone is clear about what specific action the school may take, when and why, the 'plan' will be developed in consultation with parents/carers, the pupil, staff working with the child, the SENCO and often a specialist teacher from the Behaviour Support Team. This plan is aimed at helping the pupil and staff to avoid difficult situations through understanding the factors that influence challenging behaviour and by identifying the early warning signs that indicate foreseeable behaviours may be developing.

A 'plan' will include:

- a completed risk assessment to ensure staff and others understand and consider the risks, act reasonably and learn from what happens.
- a **record** of risk reduction options considered, already tried and discounted.
- information on how to manage the pupil, strategies to use to de-escalate a conflict and information about the point at which the need to use reasonable force will be taken.
- the identification of key staff who know exactly what is expected. (It is best that these staff are well known to the pupil)
- the system used to summon additional support, if and when required.
- the identification of any current and future training needs.

Staff Training

Staff in school will complete an accredited training programme, as required, which is delivered by appropriately trained staff. (This training is revisited where a specific pupil or group of pupils increase the likelihood of this form of intervention being required.)

Complaints procedure

The school has a clear complaints procedure and any complaints would be received in the first instance by the headteacher. If matters are not resolved then the complainant would take the matter to the Governing Body. Parents wishing to make a complaint can be provided with a copy of procedures on request or obtain a copy from the school's website.

Specific allegations against a member of staff will be reported to the Local Authority's Designated Officer (LADO) and, after discussion and advice, will be processed using the guidance and procedures outlined in the most appropriate school policy. These policies include:

- Managing Allegations Against Staff Policy
- Responding to Parental Concerns Policy
- Safeguarding Policy
- Child Protection Policy

Related policies

This policy should be read in conjunction with the following policies:

- Behaviour Policy

- Anti-bullying Policy
- PSHE and Citizenship Education Policy
- SEN policy
- Relationship and Sex Policy
- Child Protection Policy
- Staff Code of Conduct
- Managing Allegations Against Staff Policy
- Responding to Parental Concerns Policy

Monitoring and review

This policy will be monitored by the school and governors and will be reviewed on a regular basis. The headteacher and staff will review the schools use of force strategy following any incidents and make any relevant changes to the policy.

Date reviewed:	Summer term 2021
Date due for review:	Summer term 2024

Appendix 1

Good practice guidelines

The use of restrictive physical interventions will be reduced through effective early planning and early prevention strategies.

Effective early planning will include:

- creating a well-planned, calm, orderly and supportive environment.
- developing trusting relationships between children and staff.
- ensuring that the number of staff deployed and their experience corresponds to the needs of children.
- developing staff expertise in working with children people who present challenging behaviours.
- ensuring staff are able to work in a restorative way with children, enabling them to communicate their thoughts and feelings, so they are heard and understood.
- hearing and responding to the views of the child so that they can make choices about the way to manage their behaviour, e.g. some children prefer withdrawal to a quiet area rather than a physical intervention which involves bodily contact.
- setting up and maintaining person-centred positive behaviour support plans, which reflect an understanding of the function of the behaviour for the child, and alternative ways for the child to get their needs met. This may include teaching alternative communication strategies, and giving the child acceptable ways to get out of situations they may find too difficult. These plans need to be responsive to individual needs as they change, and include current information on likely triggers and resulting behaviour.
- avoiding or adapting known trigger situations which are likely to provoke challenging or aggressive behaviour.
- creating opportunities for children to engage in meaningful activities which include opportunities for choice and a sense of achievement.
- carrying out individual risk assessments where there is a likelihood that challenging behaviour may present a risk to self or others.

Positive behaviour support plans and individual risk assessments should be person centred; it is good practice to include and engage with the child, their families and advocates when writing these documents. This enables children, where possible, to express how they could be supported to avoid behaviour incidents, and how they prefer to be managed when they pose a significant risk to themselves or others.

Early prevention involves recognising at an early stage the outward signs an individual may display and then implementing the planned strategies to avert any further escalation.

- It is important to communicate calmly with the child, using non-threatening verbal and body language and ensuring the child can see a way out of the situation.
- Strategies might include, going with the staff member to a calm space, so that the staff member can listen to concerns; being joined by a particular member of staff well known to the child; or any of the other strategies names in the individual's plan.
- The solution should seek to be a win-win situation.

All prevention strategies should be carefully selected and regularly reviewed to ensure that they are impacting positively on the child or young person.

If there is any expectation that despite early planning and prevention strategies a child's behaviour may escalate to the point at which they present a significant risk to themselves or others, a restrictive physical intervention plan may be required. This will require a detailed plan and individual risk assessment which should be discussed and agreed with the individual and their family. Staff must be offered appropriate Local Authority approved and accredited training.

Appendix 2

Considering risk and risk assessments

When the use of a restrictive physical intervention is appropriate, it is important that steps are taken to minimise the risk to both staff and children.

Among the main risks to children are that a restrictive physical intervention could:

- be used unnecessarily, that is when other less intrusive methods could achieve the desired outcome.
- cause injury, pain, distress or psychological trauma.
- become routine, rather than an exceptional method of risk and behaviour management.
- increase the risk of abuse.
- undermine the dignity of the staff or children or otherwise humiliate or degrade those involved.
- create distrust and undermine personal relationships.

The main risks to staff include the following:

- they suffer an injury whilst carrying out a restrictive physical intervention.
- as a result of applying a restrictive physical intervention, they experience distress or psychological trauma.
- the legal justification for the use of a restrictive physical intervention is challenged in the courts. (Even if it were clear that the member of staff acted recklessly, unreasonably or against the policy of the school or authority, the employer would usually be required to justify its actions)
- disciplinary action or a child protection enquiry that does not reach the Courts, but nevertheless contains similar inherent stresses.

The main risks of not intervening appropriately may include:

- children, staff or other people being injured or abused.
- staff leaving the profession.
- serious damage to property occurring.
- the employer being in breach of the duty of care to staff and/or others.
- the possibility of litigation arising out of not intervening.

There are three main pieces of health and safety legislation which are relevant to violence at work. These are:

1. The Health and Safety at Work etc Act 1974 (HSW Act).
2. The Management of Health and Safety at Work Regulations 1999 and successor legislation.
3. The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

Regulation 3 requires employers to carry out a risk assessment of the work:

- Employers have a legal duty under this Act to ensure, so far as is reasonably practicable, the health, safety and welfare at work of their employees.
- Employers must notify their enforcing authority in the event of an accident at work to any employee resulting in death, major injury or incapacity for normal work for seven - or more consecutive days. This includes any act of non-consensual physical violence done to a person at work.

Whenever it is foreseeable that a child might require a restrictive physical intervention, a risk assessment should be carried out which identifies the benefits and risks associated with the application of different intervention techniques with the person concerned.

Planning should also be undertaken to see if 'trigger' situations can be avoided and other positive strategies employed to minimise the likelihood of such incidents occurring.

Management teams are advised to assess the frequency and severity of incidents requiring use of force that are likely to occur in their school / establishment. Historical patterns usually provide a good starting point. These assessments will help to inform decisions about staff training.

An individual risk assessment is essential for children whose special educational needs and/or disabilities (SEND) 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.
- dependence on equipment such as wheelchairs, breathing or feeding tubes.

It is important that all school and service settings develop appropriate documentation and approaches to assessing risk. The assessment tool must be appropriate for use in that setting. A model individual risk assessment form is included in this policy. (See appendix 3.)

There are rare occasions when it may be appropriate to act with only minimal assessment of risks. For example, 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'. Whilst not an exhaustive list, examples include:

- to prevent a child or young person running off a pavement onto a busy road, or falling into water.
- where a child or young person uses tools dangerously or inappropriately.
- to prevent a child hitting someone else.
- throwing stones (etc...) at a window where there is an immediate risk of injury from broken glass.
- misuse of substances (e.g. cleaning fluids, etc) where there is a likelihood of immediate harm.

Whenever possible assistance must be sought:

- when the member of staff believes that he or she may be at risk of injury.
- when managing an older or physically larger child.
- where there is more than one child or young person.
- where a child appears to be under the influence of drugs or alcohol or who is ill.
- where a child or young person appears to have a weapon.

Elevated levels of risk are associated with the following and are illegal:

- the use of clothing or belts to restrict movement.
- holding someone who is lying on the floor or forcing them onto the floor.
- any procedure which restricts breathing or impedes the airways.
- seclusion, where a child is forced to spend time alone in a room against their will.
- extending or flexing the joints or putting pressure on the joints.
- pressure on the neck chest abdomen or groin areas.

Appendix 3

Individual child risk assessment

A plan for assessing and managing foreseeable risks for children who are likely to need
Restrictive Physical Intervention

School/Setting: _____

Name of Child: _____

DOB: _____

Class: _____

Name of teacher: _____

Name of TA: _____

Name of parents: _____

Name of Support Service: _____

Support service Member/s: _____

Identification of Risk:	
Describe the foreseeable risk (i.e. what specific behaviours have occurred)	
Is the risk potential or actual (i.e. has this happened before?)	
List who is affected by the risk	

Assessment of risk	
In which situations does the risk occur?	
How likely is it that the risk will arise (i.e. has it happened before?)	
If the risk arises, who is likely to be hurt or injured?	
What kinds of injuries are likely to occur?	
How serious are the adverse outcomes?	

Assessment completed by: _____

Date of review: _____

Signature: _____ Date: _____

Agreed plan and risk management strategy		
Focus of measures	Measures to be employed	Level of risk
Proactive interventions to prevent risks		
Early intervention to manage risks		
Reactive interventions to respond to adverse outcomes		

Agreed by:

Parent/Carer: _____ Date: _____

Child (if appropriate): _____ Date: _____

Class teacher: _____ Date: _____

Support Service Member: _____ Date: _____

Communication of plan and risk management strategy		
Plans & strategies shared with	Communication method	Date actioned
Proactive interventions to prevent risks		
Early intervention to manage risks		
Reactive interventions to respond to adverse outcomes		

Staff training issues		
Identified training needs	Training provided to meet needs	Date training complete

Evaluation of plan and risk management strategy		
Measures set out	Effectiveness in supporting the child	Impact on risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		

ACTIONS FOR THE FUTURE:

Plans and strategies evaluated by: _____

Title: _____

Date: _____

Appendix 4

Restrictive Physical Intervention Recording Form

Name of young person..... Date of incident.....

Date of Birth..... Incident time.....

WHAT DE-ESCALATION TECHNIQUES WERE USED PRIOR TO PHYSICAL CONTROLS:
(tick the appropriate box below)

Defusing	<input type="checkbox"/>	Time out offer	<input type="checkbox"/>
Deflection	<input type="checkbox"/>	Time out directed	<input type="checkbox"/>
Distraction	<input type="checkbox"/>	Changes of task	<input type="checkbox"/>
Appropriate Humour	<input type="checkbox"/>	Choices	<input type="checkbox"/>
Proximity control	<input type="checkbox"/>	Limits	<input type="checkbox"/>
Verbal advice/support	<input type="checkbox"/>	Consequences	<input type="checkbox"/>
Rule reminder	<input type="checkbox"/>	Another member of staff	<input type="checkbox"/>
Hurdle help	<input type="checkbox"/>	Take up time	<input type="checkbox"/>
Planned ignoring	<input type="checkbox"/>	Other (please state):	<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>

JUSTIFICATION FOR USE OF RESTRICTIVE PHYSICAL INTERVENTION:

(tick the appropriate box below)

To prevent/interrupt;	A criminal offence	<input type="checkbox"/>
	Injury to pupil/staff/others	<input type="checkbox"/>
	Serious damage to property	<input type="checkbox"/>
	Significant Disruptive behaviour	<input type="checkbox"/>
	Pupil absconding	<input type="checkbox"/>
	<u>Other (please state)</u>	<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>

Nature of incident

Events leading up to incident

[illegible]

Description of what happened

NATURE OF RESTRICTIVE PHYSICAL INTERVENTION AND JUSTIFICATION FOR USE:

(Identify level of hold used, estimate of duration & factual staff accounts from each individual involved)

RESPONSE AND VIEW OF THE YOUNG PERSON:
(this field must be completed if possible)

Name of staff:

Date:

DETAILS OF ANY RESULTING INJURY:
(injury to whom and any action taken)

First Aid Book completed	Yes <input type="checkbox"/> No <input type="checkbox"/>	Date:
OSHENS	Yes <input type="checkbox"/> No <input type="checkbox"/>	Date:

ANY OTHER RELEVANT FACTUAL INFORMATION:
(including list of all staff involved / those that witnessed the incident)

**NAME OF SENIOR
PERSON NOTIFIED:**

TIME / DATE:

HEADTEACHER'S COMMENTS:			
SIGNATURE OF HEADTEACHER:		DATE:	

SIGNATURE OF HEADTEACHER:		DATE:	
PARENTS INFORMED	Yes <input type="checkbox"/> No <input type="checkbox"/>	METHOD:	DATE:
EXCLUSION OF YOUNG PERSON	Yes <input type="checkbox"/> No <input type="checkbox"/>	DETAILS:	

Appendix 4

Pupil Significant Incident Form

For all incidents involving unsafe/risk or unacceptable behaviour where a physical intervention using force was not used.

Pupil name:	
Staff name/s:	
Incident date/time/place:	

Nature of incident (tick boxes as appropriate)	Vandalism			Physical control	
	Bullying			Absconding	
	Assault			Substance abuse	
	Diversion			Non-compliance	
	Isolation			Serious disruption	
	Time out				

ANTECEDENTS: (events leading up to incident)

BEHAVIOUR: <i>(how did the pupil respond, describe what actually happened)</i>

CONSEQUENCES:

(how did the staff intervene, how did the child respond, and how was the situation resolved)

NAMES OF ALL INVOLVED:

(observers/support staff)

HEADTEACHERS COMMENTS:**DATE:****NAME OF REPORT COMPILER:****DATE:****NAME OF SMT INFORMED:****DATE:****FIRST AID REQUIRED:****PAGE NO:****OSHENS RECORDED:****DATE:****PARENTS
INFORMED:**Yes ☐ No ☐ **METHOD:****DATE:****EXCLUSION OF YOUNG
PERSON**Yes ☐ No ☐**DETAILS:**