



Physical Intervention Policy
(a balanced approach to reducing risk, restraint and restriction)

Author	Written / Reviewed	Passed by Governors	Next Review
N. Toplass	Sep 2021		Sep 2022

1. Introduction

This policy has been developed in line with DfE guidance Jan 2013 entitled 'Use of Reasonable Force, Advice for head teachers, staff and governing bodies'. It also considers the guidance provided in the OFSTED document 'Providing Environments Where Children Can Flourish' March 2018.

This document has been prepared to assist all staff and volunteers working within Shenstone and Brades Lodge Schools. Its aim is to explain how and when school staff may use reasonable force, care and control to support the management of its students. Its contents are available to parents and pupils.

For the purposes of this policy the use of 'school' refers to both Shenstone Lodge and Brades Lodge sites.

Good personal and professional relationships between staff and pupils are vital to ensure good order in our school. It is recognised that the majority of pupils in our school respond positively to our high expectations regarding appropriate behaviour and follow staff directions. This ensures the well-being and safety of all pupils and staff. It is also acknowledged that in some circumstances, staff may need to take action involving the use of a physical intervention

Every effort will be made to ensure that staff in this school:

- i) clearly understand this policy and their duty of care responsibilities
- ii) are provided with appropriate training to support the management of challenging behaviour including the use of reasonable force.

2. Legal Framework

Reasonable force should only be used if it is deemed to be in the BEST INTEREST of the child following an analysis of the presented risks

The Education and Inspections Act 2006 (Part 7, Chapter 1) stipulates that reasonable force **may** be used to prevent a pupil from doing, or continuing to do any of the following:

- engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether the behaviour occurs in a classroom during a teaching session or elsewhere within the school (this includes authorised out-of-school activities)
- self-injuring
- causing injury to others
- committing an offence

ALL staff and volunteers should operate with an appropriate duty of care and within policy guidance.

The application of any form of physical control can place staff in a vulnerable position.

Staff, therefore, have a responsibility to seek alternative strategies wherever possible in order to prevent the need for physical intervention.

NB

When children reach a stage in their development when they have sufficient mental competence to understand issues sufficiently to make their own decisions, they are described as having 'Gillick competence'.

Most young people have attained Gillick competence by the age of fourteen and from the age of sixteen they are assumed to have 'Mental Capacity'.

The Mental Capacity Act (2005) applies from the age of sixteen onwards.

Any young people who may still be subject to restrictions that could constitute a deprivation of liberty after that date must have liberty protection safeguards in place. It is good practice, in the case of children and young people with special educational needs who have an EHC plan, to specifically consider whether any current restrictions require liberty protection safeguards to be put in place before their sixteenth birthday.

That should a significant agenda item for review meetings if there is any doubt about it. Those reviews would be also be a good time to review plans to reduce risk and restraint and so alleviate the requirement for liberty protection safeguards. (APP 3)

DFE guidance states that schools can use reasonable force to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that puts at risk the safety of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground
- prevent a pupil at risk of harming themselves through physical outbursts

Shenstone Lodge School however will only resort to using restrictive physical intervention if the student(s) concerned present a foreseeable risk of harm to themselves, other people are committing a criminal offence or causing significant damage to property.

The school expects that staff will 'run through' a number of responses to de-escalate a situation that has the potential to become dangerous.

Staff will be expected to communicate calmly with the student, and present themselves in a considered and controlled way. The language used should be simplified and offer students opportunities to resolve their difficulties without resorting to violence. Staff should be confident to offer 'ways out' where possible to reduce the need for physical intervention.

Techniques used may consists of:

Diversion

Reassurance

Negotiation

Offering Choices/ Time out

Setting Limits and Boundaries

Change of Face

Humour

Identifying Emotions

It is recognised that some students will need additional therapeutic support. The school is able to provide low level interventions to address some therapeutic needs, but will also access the support from external professionals as required.

Schools cannot:

- use force as a punishment – it is always unlawful to use force as a punishment.

Power to search pupils without consent

In addition to the general power to use reasonable force described above, head teachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following "prohibited items".

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- illegal pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Physical Contact

This describes situations when proper physical contact occurs between staff and pupils (for example, in the care of pupils with learning disabilities, in games or PE or to comfort pupils).

Control

Active control may be used to divert a pupil from a destructive or disruptive action (for example, guiding or leading a pupil by the hand, arm or shoulder with little or no force). Passive control may be moving between two pupils or blocking a pupil's path.

Physical Restraint

The use of force to overcome rigorous resistance; completely directing, deciding and controlling a person's free movement. (Team Teach 'Physical Contact' publication 2011)

The purpose of its application should be to safeguard the person, other people or prevent significant damage to property. The level of compliance from the pupil determines whether or not the interaction is a control or restraint.

A physical intervention should use the minimum degree of force necessary for the shortest period of time to prevent a pupil harming themselves, others or damaging property.

The scale and nature of any physical intervention must be proportionate to both the behaviour of the individual to be controlled, and the nature of the harm they might cause (see page 3 of the DfE guidance Use of Reasonable Force 2013).

Reasonable adjustments for pupils with a disability or special educational needs will be made to take account of known information about the pupil's needs and their understanding of the situation

3. 'Behaviour Recovery Rooms'

It is notable that some students will refer themselves to purposely delegated rooms to 'sit quietly', complete work and self-manage their behaviour.

On occasions, staff will refer a student to use a 'Behaviour Recovery Room' to reduce presented and potential risks, or to facilitate 'time out' or 'withdrawal'.

Most of the time this can be done with student compliance.

If a student is forcibly kept in a room (SECLUSION/ ISOLATION) for safety reasons it will be subject to the reporting and recording protocols of other interventions such as holds and restraints. This level of response is not to be used as a sanction or punishment, but as a temporary safety measure.

Students may be prevented from leaving this room by blocking the door way with their body, holding the door shut or locking the door shut in an emergency (if this reduces the risks presented (as assessed by the staff attending)). The sole purpose of this high level emergency response is to keep all concerned as safe as possible, until the student is calm enough to be purposefully engaged. They will be supervised by an adult at all times whilst in seclusion to ensure safety.

If seclusion/ isolation is used regularly to support a particular student (averaging more than once a week over a half term), a specific 'Behaviour or Intervention Plan' will be developed with a clear strategy to reduce the levels of seclusion/ isolation. The plan will be shared with staff and parents/carers and reviewed half-termly until the number of incidents reduce.

We aim to inform parents verbally before the end of the working day, when their child has been held or secluded. If we do not inform parents/carers this will be recorded with the reason why.

Seclusion/ Isolation... safe practice protocols APP 2

The DfE adopts the following position in the Behaviour and Discipline in schools document (Advice for Headteachers and School Staff Jan 2016)

Seclusion / Isolation rooms

42. Schools can adopt a policy, which allows disruptive pupils to be placed in an area away from other pupils for a limited period, in what are often referred to as seclusion or isolation rooms. If a school uses seclusion or isolation rooms as a disciplinary penalty this should be made clear in their behaviour policy. As with all other disciplinary penalties, schools must act reasonably in all the circumstances when using such rooms (see paragraphs 14 and 15). Any use of isolation that prevents a child from leaving a room of their own free will should only be considered in exceptional circumstances. The school must also ensure the health and safety of pupils and any requirements in relation to safeguarding and pupil welfare.
43. It is for individual schools to decide how long a pupil should be kept in seclusion or isolation, and for the staff member in charge to determine what pupils may and may not do during the time they are there. Schools should ensure that pupils are kept in seclusion or isolation no longer than is necessary and that their time spent there is used as constructively as possible. Schools should also allow pupils time to eat or use the toilet.

NB The School's definitions of seclusion, withdrawal, 'time out' and isolation provides greater clarity around the use of force in such situations APP 1

DfE National Minimum Standards for Residential Special Schools (published April 2015) state

12.7 These standards do not prevent a child from being deprived of their liberty where that deprivation is authorised in accordance with a court order.

Locking the door will be against the norm and will need to be judged/justified, reported and recorded against all relevant guidance.

See appendix 1 - "The Use of a Behaviour Recovery Room"

The recently published Report of Sir Martin Narey's independent review of children's residential care July 2016 States

"No child in care should be exposed to any more danger than that to which we would expose our own children. The Department for Education, in consultation with Ofsted, needs to reconsider their guidance - taking account of recent Court judgements - to ensure that staff are able to keep children safe by preventing them leaving homes at time of danger, either by locking doors or using restraint, and that they can be confident in the legality of their doing so."

Page 44

Police Intervention

If it is felt that a situation can no longer be managed safely by school then the decision may be made by senior school staff to call for police assistance.

4. Authorised Staff

In this school all staff are authorised to use reasonable force within the context of the DfE publication 'Use of Reasonable Force Advice for Head Teachers, Staff and Governing Bodies' (Jan 2013)

The head teacher can legally authorise others, for example volunteers or parents assisting with a trip, but caution in extending such authorisation should be exercised.

The head teacher is responsible for ensuring that all staff are aware of their right to use reasonable force and in what circumstances they may use it.
NB. This right is not a basis for a legal defence in the event of an allegation of misconduct or malpractice.

5. Other Workers within the School

It is the responsibility of the Heads of School to make sure that individuals entering the site to work are aware of the nature of the young people and are offered some guidance in what to do if an incident occurs or is witnessed.

6. Training

It is the responsibility of the Head of School to arrange suitable training for all staff.

No member of staff will be expected to use a physical intervention without appropriate training. We do however recognize that all staff members have a duty of care to our students and therefore in any situation we expect them to act reasonably and within their limits to pursue the 'best interests' of students.

The school uses Team Teach as its accredited positive behavior and physical intervention training programme. Team Teach is accredited by the Institute of Conflict Management (ICM).

Training programmes and refreshers are run as appropriate across both sites to minimise 'training gaps' for new and current staff.

Prior to the provision of training, new staff, supply staff or volunteers will receive guidance from the head of school or their designated person on action to be taken in the event of challenging and/or dangerous circumstances.

7. Risk assessment and Individual Behaviour Management Plans

Specific assessment of risk will be made for each child as appropriate, in the context of identified behaviour(s) and environments in which they occur. The assessment should identify potential control measures.

Any interventions used will take account of a young person's:

- Age, gender
- level of physical, emotional and intellectual development
- particular special needs
- social context
- physical, medical or relevant conditions
- Any other impact factors that may be relevant to the situation

Whenever a member of staff has occasion to use physical restraint, this will be recorded and documented following agreed procedures. Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the senior leadership team to developing trends and to engage necessary action.

8. Recording

All physical incidents should be recorded on Behaviour Watch within a 24 hour period by the person who led the intervention, this should be decided at the time and will be rigorously monitored throughout the year by SMT as a regular agenda item. Reports should be 'concluded' (i.e. all participants have made their contributions) for review within 2 working days of an incident.

Any report of an incident involving a Ground Hold is reviewed by a member of the site specific SMT and staff involved should be offered a debrief. The school aims to achieve this within 3 working days of the incident. Any actions or changes to the way a student is managed are shared with the relevant staff.

The overall number of Ground Holds are reported each half term to Team Teach and the Academy Trust nominated person. Local Advisory Board members are also kept up to date with the number of Ground Holds used at LAB meetings.

The use of seclusion/ isolation is recorded and outlines who was involved, when (and for how long they were secluded), why this was considered to be the safest option and how was the student responding once secluded/ isolated eg. Continued high levels of aggressive and threatening behaviour, spitting, self-harming etc...

~~A summary will be shared with Lab members as part of the Executive Headteachers report.~~

A health & safety Accidents & Aggressive Incident form will need to be completed and returned to Academy Trust nominated person if an injury has occurred to staff or pupils during the incident. Where staff have been involved in an incident involving reasonable force they should have access to counselling and support.

9. Monitoring incidents

A review of all incidents will be carried out half termly by the Executive Head Teacher and LAB members informed at termly meets. Reviews will be used to inform planning to meet individual pupil and school needs. Any incident which is considered 'significant' as a result of the levels of violence used, amount of damage caused, police involvement or the time spent in seclusion will reviewed more promptly.

Physical interventions are not treated in isolation and the school is committed to ensuring that following incidents, learning opportunities are created for children that allow them to reflect on and take responsibility for their behaviour.

10. Complaints

The availability of a clear policy about reasonable force and early involvement of parents should reduce the likelihood of complaints but may not eliminate them. Any complaints about staff will be investigated as appropriate.

Staff are trained to use 'Team Teach' techniques as the preferred behaviour management and physical intervention strategy. The following statement reflects the working realities and likely consequences when individuals are involved in an incident involving use of force.

"Team Teach techniques seek to avoid injury to the service user, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that the service user remains safe". (Team Teach)

Appendix 1

Definitions used and understood by Shenstone Lodge School Staff

Seclusion/ Isolation (Isolation is used interchangeably in DFE and OFTSED documents)

Forcing a person to spend time alone for safety reasons. The student will be actively supported, monitored and supervised.

Withdrawal

Moving somebody (sometimes forcibly) to a safer place where they can be actively supported, monitored and supervised. Withdrawal may be used as a sanction while a student completes set work.

Time out

Allowing a person some time and space to calm down in a space where they present low risk and can be actively supported, monitored and supervised

Appendix 2

'Seclusion' safe practice protocols

Seclusion

Forcing a person to spend time alone for safety reasons. The student will be actively supported, monitored and supervised.

'Seclusion' is classed as a physical intervention as staff are required to forcibly keep a student in a space.

The school takes the position that any physical management response to a student which requires a door to be used as a restrictive barrier (whether locked or held closed) against the students will be against the norm and is to be considered an emergency response.

Any physical management at this level has to be underpinned and considered to be reasonable, proportionate and 'in the best interest of the child' to have any credible defence. Any member of staff using this strategy must be able to demonstrate that they considered alternative options and balanced the relative elements of risk.

This is not using a room for 'Time Out, Withdrawal or Isolation' purposes which requires a degree of student compliance.

Guidance

- Action at this level is not the norm
- Students in seclusion are monitored/ observed to ensure safety and best interest' principles are maintained
- If a student who is in seclusion becomes a greater risk to themselves as a result of being in the space than staff will be expected to act appropriately to intervene. Eg. Physical intervention, request for support or consider use of external agency.
- Any seclusion should be for the least amount of time required to reduce the level of risk presented
- The use of seclusion has to be reasonable, legal, proportionate and 'in the best interest of the child'
- Any individuals using seclusion should ensure parent/carers have been informed as appropriate
- The use of seclusion is recorded and outlines who was involved, when (and for how long they were secluded), why this was considered to be the safest option and how was the student responding once secluded eg. Continued high levels of aggressive and threatening behaviour, spitting, self harming etc...
- The use of seclusion will be monitored and evaluated by SMT and the EHT.

It is recognised that there may be some instances where seclusion is used regularly to support a particular student (averaging more than once a week over a half term), in such a case a specific 'Behaviour or Intervention Plan' will be developed with a clear strategy to reduce the levels of seclusion. The plan will be shared with staff and parents/carers and reviewed half-termly until the number of incidents reduce.

Appendix 3

From 'Liberty Protection Code of Practice' and supporting guidance

In July 2018, the government published a Mental Capacity (Amendment) Bill, which passed into law in May 2019. It replaces the Deprivation of Liberty Safeguards (DoLS) with a scheme known as the Liberty Protection Safeguards (although the term is not used in the Bill itself).

Key features of the Liberty Protection Safeguards (LPS) include:

- In line with the Law Commission's suggestion they start at 16 years old. There is no statutory definition of a deprivation of liberty beyond that in the Cheshire West and Surrey Supreme Court judgement of March 2014 – the 'acid test'

- Deprivations of liberty have to be authorised in advance by the 'responsible body'.
- For NHS hospitals, the responsible body will be the 'hospital manager'.
- For arrangements under Continuing Health Care outside of a hospital, the 'responsible body' will be their local CCG (or Health Board in Wales).
- In all other cases – such as in care homes, supported living schemes etc. (including for self-funders), and private hospitals, the responsible body will be the local authority.

For the responsible body to authorise any deprivation of liberty, it needs to be clear that:

- The person lacks the capacity to consent to the care arrangements
- The person has a mental disorder
- The arrangements are necessary to prevent harm to the cared-for person, and proportionate to the likelihood and seriousness of that harm.

Other relevant policies and guidance

Behaviour Management and Risk reduction Policy, Health & Safety Policy, Child Protection Policy

DfE doc. 'Use of Reasonable Force. Advice for head teachers, staff and governing bodies'. (Jan 2013)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48803/4/Behaviour_and_Discipline_in_Schools_-_A_guide_for_headteachers_and_School_Staff.pdf

Positive environments where children can flourish
(A guide for inspectors about physical intervention and restrictions of liberty) March 2018

<https://www.gov.uk/government/publications/positive-environments-where-children-can-flourish>

Transforming children and young people's mental health provision:
(a green paper (Dec 2017))

<https://www.gov.uk/government/consultations/transforming-children-and-young-peoples-mental-health-provision-a-green-paper>