**SS John & Monica Catholic Primary School**

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| Physical Interventions Policy |



**Our Mission**

**‘At SS John and Monica’s we learn through the example of Jesus to love, respect, understand and value each other’**

**Physical Interventions Policy**

(Incorporating Physical Contact, Restriction and Restraint)

**Introduction**

This policy was prepared after staff discussion(s) and training on 26/11/21 and adopted by the Governing Body on 21.01.22. M. Elliott is responsible for its implementation. The policy was reviewed in October 2023. The next updated training will be before November 2024.

The policy considers relevant legislation, regulations, and guidance, including the most recent examples from the Department for Education, the Department for Health, and the Health and Safety Executive. The Mental Capacity Act must also be considered for young people over 16.

The policy has been prepared to support all staff coming into contact with children and for volunteers/workplace students working within the school to explain the school's arrangements for care and control. The purpose is to give good staff the confidence to act in the child's best interests. This policy should be made available to parents and pupils upon request. This policy will include references to the most current government guidance and legislation and a glossary for reference.

***At any particular time, the key question for everyone involved with children and young people whose behaviour challenges should be: “What is in the best interests of the child and/or those around them in view of the risks presented?” (DfE 2019)***

**Duty of Care:**

All staff members have a duty of care towards the children and young people they look after, as well as their colleagues and others, under the Health and Safety Legislation. They are responsible for familiarising themselves with policies and risk assessments and participating in necessary training. They should look out for obvious hazards and reduce foreseeable risks wherever possible. Failure to exercise that duty of care includes omitting to take action when there is evidence that significant harm might occur. Employers also have a duty of care to employees to ensure that their working environment is safe and where risks are identified, appropriate guidance is offered. (Management of Health and Safety at Work Regulations 1992). DfES Guidance (2013) advises that schools should not have a ‘no contact’ policy, which could place a staff member at risk of breaching their duty of care towards a pupil.

The Children Act 1989 clarifies that the paramount consideration in any decision involving a child must be the child’s welfare. Paramount means it should be the first thing people think about and take precedence over all other considerations. For that reason, staff need to carefully consider what is in the **child's best interest**, both in the short term and the longer term.

In exceptional circumstances, staff may need to act in the child's best interest and use reasonable force may be required to achieve this. A staff member needs to demonstrate that they have considered alternatives and that not acting could result in greater harm. (Name of school) acknowledges that physical interventions which use varying degrees of reasonable force are only a small part of a whole setting approach to behaviour management.

It is useful when considering a Restrictive Physical Intervention to think about what the intervention may look like to others and how we would hope others would respond if it were a member of our family (social validity), i.e. What would I want somebody to do in similar circumstances if this was my child?’

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

1. Understand their responsibilities in the context of their duty of care
2. Understand that the paramount consideration is the welfare of the individual child
3. Understand that ‘reasonable’ force means that it is necessary and proportionate
4. They are provided with appropriate training to manage risk and maintain this training at an appropriate level.

**Legal Justification**

The Education and Inspections Act 2006 gives examples of circumstances where reasonable force may be legally defensible.

* self – injuring
* Causing injury to other children, staff, parents, and visitors.
* Causing significant damage to property

The Children Act 1989: **The paramount consideration is for staff to work in the child's best interests**. Reasonable force will only be used when no other effective alternatives are available. Any force used must be ‘reasonable and proportionate’ to the situation.

Reasonable adjustments need to be made for disabled children and those with Special Educational Needs.

The expectation is that staff act in good faith with the best intentions.

**Identifying hazards and making risk assessments**:

It is essential to make risk assessments when considering using reasonable force. Staff should balance the risk of taking action against the risk of not taking action. The Health and Safety Executive (HSE) has developed a five-step approach to risk assessment in the workplace. This approach can easily be applied to situations where staff need to decide whether to use physical contact.

1. Look for hazards

2. Decide who might be harmed and how

3. Validate the risk and decide on the necessary and proportionate action

4. Record your findings

5. Review and revise if necessary.

Hazards are the things that could hurt somebody (physically or physiologically); risk is the chance of it happening.

**Risk Assessments**

It is not always possible to predict all risks relating to a child's specific behaviour. When an unforeseeable risk presents itself, a **‘dynamic risk assessment’** can be undertaken. This means that staff do a mental risk assessment and then act in the child's best interests. Once a risk has been identified, or if the risk is already known, a **planned risk assessment** must be written. If physical touch or restraint is required, a Risk/Restraint Reduction Plan can be recorded by staff who work closely with the child, using their knowledge of the child’s behaviour and the environment in which they work.

The Health and Safety Executive stresses that risk assessment is a simple process. They should focus on the most likely and severe risks. Formal risk assessments should be clear and concise so that staff can recall helpful information. Information should be explicit and honest. Parents need to be informed and involved with this process as they need to be notified of why and how reasonable force is being used in their child's best interests. The child’s views should be sought and included in the risk assessment.

Other staff can be assisted in reducing the risk. Physical intervention is seen as a proactive response to meet individual pupil needs, and any such measures will be most effective in the context of the school's overall ethos, the way that staff work together as a team, share their responsibilities, and the holistic behaviour management strategies that are used.

**Physical Contact**

There are a range of circumstances in which positive physical contact occurs between staff and pupils to support equal opportunities to access a broad and balanced curriculum, such as using PE equipment. Examples of physical contact cover many positive physical interactions ranging from light touch to firm pressure. Physical contact is necessary to provide care and comfort and convey communication, reassurance, and safety. Physical contact should be considered positive and part of the adult role-modelling of good touch or contact. The purpose of any physical contact should be to meet the needs of the child. Children with special needs, autism, or sensory differences requirements should be detailed in an individual plan, such as behaviour management, health, or toileting plan. Staff must consider the young person’s age and level of understanding, personal characteristics and history and the location – not in private.

Physical Contact is never used as a punishment or to inflict pain.

**Restrictive Physical Intervention**

*Restrictive intervention should only be used when absolutely necessary, in accordance with the law and clear ethical values and principles which respect the rights and dignity of children and young people, and in proportion to the risks involved. (DFE 2019)*

Staff needs to take a gradual and graded approach when considering the use of reasonable force. Examples of low-risk physical interventions could be guiding or escorting a child to a safer place. Medium to high-risk physical intervention could be separating a fight or using a standing or seated restraint.

Restrictive Physical Interventions:

* Use the minimum degree of force for the shortest period necessary to achieve the desired result.
* The scale and nature of any physical intervention must be reasonable and proportionate to the individual's behaviour and the harm they might cause.
* Techniques are intended to ensure the safety and well-being of the child, maintain dignity for both adult and child and allow for communication.

**Restraint**

Restraint involves restricting freedom and movement in circumstances in which the child resists. The DfE (2019) acknowledge that sometimes restraint is necessary: ‘Staff must have reasonable grounds for believing that restraint is necessary to justify its use.’ (DFE/DHSS 2019) It is reasonable to use proportionate force when there is a significant risk to children, staff or property. It should only be used as a last resort when no alternatives are available. All incidents involving restraint must be recorded and reported. The level of force and/or positive handling techniques used towards the child determines whether it is considered restraint.

Staff need to reassure and comfort pupils while they are in restraint to try to calm, comfort, and divert attention to manage and reduce the duration of restraint. Restraint is a safeguard, not a sanction.

Planned and Unplanned interventions

Restrictive Physical Interventions can be categorised as a planned response, an unplanned response or an emergency.

* Planned – based on risk assessments recorded on Risk/Restraint Reduction Plans.
* Unplanned (Dynamic Risk Assessments): an action used in response to unforeseen hazardous events with no alternative. DFE/DHSS (2017) advises a clear distinction between planned and unplanned interventions.
* Emergency: Staff may consider using a non-Team-Teach response due to the immediate risk of significant injury or potential loss of life.

Consideration must be made to clarify the distinction between:

* Seclusion: the term used when a child is forced to spend time alone against their will in a locked room or restricted space that they cannot leave. Staff are advised to follow guidance on the use of seclusion. The seclusion of a child should only be considered as an emergency response where it is in the child's best interests. Staff working with young people aged 16 years and older should consider applying to the Court of Protection under the Mental Capacity Act (2005) if they believe that planned use of seclusion may be required.
* Time Out: This is a planned positive behavioural approach that needs to be part of the child’s Positive Behaviour Plan. This method involves a child accessing a safe space/place, usually with less intense adult supervision but always monitored. Time out is not to be considered as a punishment for the child.
* Withdrawal: This strategy is implemented to support a child during a situation that may be causing anxiety or distress with continuous adult supervision/observation. It allows the child to resume the activity, task, or routine at a later time.

Staff Training and Authorised staff

The Head Teacher or Manager is responsible for providing all staff with accredited training from a provider, for which staff authorisation has been given to use restrictive physical interventions. The Head Teacher/Manager must consider the training needs of all staff and then retain a list of all staff trained and when the training needs to be refreshed. This list is reviewed within a regular time frame, and consideration is given to new staff members and supply staff.

Training for all staff will be made available and will be the responsibility of the Head Teacher. Training needs should be assessed concerning foreseeable risks. Training that contains physical interventions should be accredited.

Records about which staff have been trained and which techniques should be kept. Staff training undertaken will require staff to demonstrate competence in techniques. DFE/DHSS (2017)

Reporting and Recording

Records of restraint should be clear and accurate. Whenever a restraint has been used, a record of the incident needs to be kept and recorded in a ‘Bound and Numbered Book’. This can be a paper-based bound book with numbered pages, retained by the Head Teacher/Principal/Manager or an electronic equivalent. It should be considered reasonable and good practice for staff to collaborate when recording an incident to ensure the most accurate and honest record possible. If staff do not agree on details of an incident, they should write separate reports. The aim is to promote clear, accurate, honest and concise records. If a physical intervention does not involve restraint, it needs only to be recorded on the child’s risk/restraint reduction plan, e.g. guiding.

Records should be completed within 24 hours, but the welfare of those involved takes precedence over paperwork. If this is not possible, the Headteacher needs to be informed as soon as possible of the reason for the delay. School records should be kept for at least 25 years. After the review of the incident, a copy of the details will be placed on the pupil's file. Parents/carers of the child need to be informed following the use of reasonable force. A record of this communication should be kept.

A Health and Safety Accident/Incident Form will be completed and returned to the Authority when injury has occurred to either staff member or pupils. When staff have been involved in an incident, they should be given time to recover and access support such as counselling and debriefing. Debriefing must be given to the child who has been restrained in line with their Behaviour Support Plan.

**Support for staff and children after an incident**

The Head Teacher / Manager will ensure that each incident is reviewed and take action as necessary, such as:

* Reviewing the child’s risk assessment.
* Reviewing curriculum access.
* Reviewing staffing levels.
* Considering the Involvement of outside agencies
* Reviewing provision.

Remember, the priority after a significant incident is to look after the people involved.

**Listening and Learning**

Incidents provide opportunities for teaching and learning. Staff should explain the reasons for using reasonable force according to the child's level of understanding. They should distinguish between restraint, designed to keep people safe, and sanctions or consequences. Staff should reinforce simple messages:

* We hold children to keep them safe from harm.
* We hold children to prevent them from doing something they will regret.
* We care about children too much to let them be out of control.
* What would I want somebody to do in similar circumstances if this was my child?’

**Complaints**

The availability of an accessible policy about physical interventions and early parental involvement should reduce the likelihood of complaints but may not eliminate them.

All allegations need to be investigated thoroughly; however, *it is the responsibility of the person making the allegation/complaint to prove any inappropriate actions by the staff member.*

Staff members accused of misconduct need comprehensive support from the setting's Head Teacher or Manager.

Sept 2024

Sept 2026

**Glossary**

Child: In this policy the legal definition of “child” to mean a person up to and including the age of 18 years. However, staff should be aware that the provisions of the Mental Capacity Act come into effect from the age of 16 years. The 1988 Mental Health Act defines Children as up to the age of 16 and Young People aged 16-17 years.

Controls – the positive application of reasonable force to overcome moderate resistance, guiding and directing a person’s movement.

Positive Behaviour Supports: the full range of Team-Teach strategies used to remove identify triggers, remove stress, calm, de-escalate and divert attention in order to prevent hazardous behaviour.

Positive Behaviour Support Plans – individualised plans

Risk assessment: The process of identifying and controlling potential hazards. Risk assessments consist of a simple process rather than elaborate paperwork. It is a process to determine a level of risk. Once a risk has been observed, staff need to make a formal plan to reduce it. Dynamic risk assessments allow staff to consider the risk in real time that requires an urgent response in the best interests of the child.

Guides or prompts: The use of assertive touch to move or direct a child usually in a low risk situation. The positive application of reasonable force to overcome minimum resistance prompting and encouraging a person’s free movement.

Restraint: The use of force to overcome rigorous resistance; completely directing, deciding and controlling a person’s free movement in order to keep people safe. Restriction: ranging from minimal temporary restrictions of movement to significant deprivations of liberty under section 5 of the Human Rights Act.

Risk, Restraint and Restriction Reduction Plans – a balanced approach to reducing risk, restraint, and restriction wherever possible.

**Reference**

**Legislation**

[The Children Act 1989 and 2004](http://www.legislation.gov.uk/ukpga/1989/41/contents?view=plain)

[The Education and Inspections Act (2006) Section 93. (90 91)](http://www.legislation.gov.uk/ukpga/2006/40/pdfs/ukpga_20060040_en.pdf)

[The Equality Act (2010)](http://www.legislation.gov.uk/ukpga/2010/15/contents?view=plain)

[Part 6 - Education](http://www.legislation.gov.uk/ukpga/2010/15/part/6?view=plain)

[The Human Rights Act 1998](http://www.legislation.gov.uk/ukpga/1998/42/contents?view=plain) (European Convention on Human Rights Article 3)

[Health and Safety at Work Act (1974)](http://www.legislation.gov.uk/ukpga/1974/37/contents?view=plain)

[The Mental Capacity Act (2005](http://www.legislation.gov.uk/ukpga/2005/9/contents?view=plain)). [Amendment 2019](http://www.legislation.gov.uk/ukpga/2019/18/contents?view=plain)

HSE [Management of Health & Safety at Work Regulations 1999.pdf](http://ilxcloud.s3.amazonaws.com/peer_resources/Management%20of%20Health%20%26%20Safety%20at%20Work%20Regulations%201999.pdf?AWSAccessKeyId=AKIAISAJ7VK6UYRCQEUQ&Expires=1568685325&Signature=Mu5F%2FvGKWR3xwKsUNN%2FVGRpZRp8%3D)

HSE: [The Management of Health and Safety at Work (Amendment) Regulations 2006.pdf](http://ilxcloud.s3.amazonaws.com/peer_resources/The%20Management%20of%20Health%20and%20Safety%20at%20Work%20%28Amendment%29%20Regulations%202006.pdf?AWSAccessKeyId=AKIAISAJ7VK6UYRCQEUQ&Expires=1568685325&Signature=k0WyFvjkyDY%2BCj0KTeyKA8W1o3E%3D)

**Guidance**

<https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

[DFE (2014) The Equality Act 2010 and Schools Departmental advice for school leaders, school staff, governing bodies and local authorities](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf)

https://www.gov.uk/government/publications/behaviour-in-schools--2

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

<https://www.gov.uk/government/publications/school-exclusion>

[DFE/DOHSS (2019) Reducing the Need for Restraint and Restrictive Intervention - Children and Young People with Learning Disabilities, Autistic Spectrum Disorder and Mental Health Difficulties (non-statutory)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/812435/reducing-the-need-for-restraint-and-restrictive-intervention.pdf)

[National Institute for Health Care and Excellence (2015), Challenging behaviour and learning disabilities: prevention and interventions for people with learning disabilities whose behaviour challenges](https://www.nice.org.uk/guidance/ng11/resources/challenging-behaviour-and-learning-disabilities-prevention-and-interventions-for-people-with-learning-disabilities-whose-behaviour-challenges-pdf-1837266392005)

[National Institute for Health Care and Excellence (2018) Learning disabilities and behaviour that challenges: service design and delivery](https://www.nice.org.uk/guidance/ng93/resources/learning-disabilities-and-behaviour-that-challenges-service-design-and-delivery-pdf-1837753480645)

[Management of Health and Safety at Work Regulations (1999) Approved Code of Practice & guidance.pdf](http://ilxcloud.s3.amazonaws.com/peer_resources/Management%20of%20Health%20and%20Safety%20at%20Work%20Regulations%201999%20Approved%20Code%20of%20Practice%20%26%20guidance.pdf?AWSAccessKeyId=AKIAISAJ7VK6UYRCQEUQ&Expires=1568685325&Signature=9mpnYXAjo3xZwRyFYMt1jKV8FBg%3D)

**Other reading**

Allen, B. (2012) The Legal Framework for Restraint. Steaming Publishing.

Allen, B. (2012) Risk Assessment for Behaviour. Steaming Publishing.

Allen, B (2015) Physical Contact Care, Comfort, Reassurance and Restraint. Steaming Publishing

BILD (2006) Guidance on the Use of Seclusion.

HSE (2007) 5 Steps to Risk Assessment. Health and Safety Executive.

Team-Teach Ltd (2018) Team-Teach workbook v2021

[Ofsted (2018) Positive environments where children can flourish - A guide for inspectors about physical intervention and restrictions of liberty](https://www.gov.uk/government/publications/positive-environments-where-children-can-flourish) (updated 2021)