



PHYSICAL INTERVENTION POLICY

Addendum: Please refer to the Valley College Covid-19 Risk assessment document

Introduction

This policy acknowledges Lancashire County Council's Restrictive Physical Intervention Protocol. It also acknowledges the principles of previous joint guidance provided by the DfES and DoH on the use of restrictive physical intervention and guidance on the use of reasonable force provided by the DfE.

The person responsible for the implementation of this policy is the Head of College. This policy is reviewed annually by the Head of College and the Governing Committee. It is intended to support all staff and volunteers who come into contact with learners within the college by explaining the college's arrangements for physical intervention. Its contents are available to advocates and learners.

This policy should be read in conjunction with other college policies and guidance in particular the Learner Conduct Policy.

Policy aims

Good personal and professional relationships between staff and learners are vital to ensure a positive environment within college. This ensures the well-being and safety of all learners and staff in college. In exceptional circumstances, the use of restrictive physical intervention may be required. Valley College acknowledges that physical interventions are only a small part of a holistic approach to learner support.

As such, every effort will be made to ensure that all staff in this college:

- (i) clearly understand this policy and their responsibilities, in the context of their duty of care, in taking appropriate measures where restrictive physical intervention is necessary;
- (ii) are provided with appropriate training to deal with these difficult situations.
- (iii) are aware of the reason for the use of restraint is to keep people safe:

- to prevent a learner injuring themselves, other students or staff;
- to prevent serious damage to property; and
- to prevent a learner from running away where in doing so they are putting themselves at risk.

A definition of restraint is an act carried out with the purpose of restricting an individual's movement, liberty and/or freedom to act independently. Restraint includes chemical, mechanical and physical forms of control, coercion and enforced isolation, which may also be called 'restrictive interventions'. (EHRC March 2019)

Minimising the need to use force

At Valley College we aim to create a calm environment in order to minimise the risk of incidents which require the use of restrictive physical intervention. Through the college ethos and curriculum we aim to promote and develop independence, choice and inclusion and learners are given maximum opportunity for personal growth and emotional well-being.

All staff members are trained in how to defuse situations to prevent them from escalating. Similarly, staff members are taught how to de-escalate incidents should they arise.

Where an individual learner is identified as persistently presenting challenging behaviour an individual learner risk assessment is completed and an individual Conduct Support Plan is drawn up. This is in collaboration with advocates and with a member of the social care team giving due regard to both the Mental Capacity Act 2005 and the Deprivation of Liberty Safeguards (DOLS). This plan details the specific strategies to be used to maintain the safety and well-being of the learner and all concerned. Use of restrictive physical intervention is only used when the risks involved in doing so are outweighed by the risks involved in not using restrictive physical intervention.

Learners that have issues relating to sensory integration dysfunction or other conditions that may result in increased anxiety levels are supported individually through personalised programmes to help them to manage their anxiety.

Supporting Principles of using physical restraint

- Physical restraint is a last resort and should only be used when other methods have been exhausted or judged unlikely to succeed.
- Any anticipated use of restraint must be planned and regularly reviewed. This must include active consideration of: reasonable adjustments, or other measures that could be taken, to avoid or minimise the use of restraint and the risk of harm resulting for the individual or others in their situation, and the risks to the person's physical and mental well-being, taking into account matters such as disability and age.

- Physical restraint should only be used to prevent a learner from harming him/herself or others, or from seriously damaging property and should only be used in the best interests of the learner and the others around them
- Restraint should involve minimum reasonable force and should seek to avoid injury.
- Members of staff should receive appropriate training.
- Members of staff should not attempt to restrain a learner if they are likely to put themselves at risk.
- Only be used if all other preventative measures have been explored;
- Never be punitive;
- Be reasonable, proportionate and necessary. It should usually be the minimum required to prevent injury to another person or to prevent them from harming themselves.
- The rights and dignity of learner and members of staff must be recognised.
- Any incident in which a learner is physically restrained must be recorded.

Legal framework

There must be a legal framework governing the use of restraint that complies with the following principles:

1. The legal framework must include a legal power authorising the use of restraint:

- a) in the individual's circumstances, and
- b) for the intended purpose of the restraint.

The legal power to restrain may be contained in primary or secondary legislation, or derived from the common law.

Examples: Section 6 of the Mental Capacity Act 2005 provides lawful authority for restraint to be used

- (a) on a person who lacks capacity, where
- (b) it is reasonably believed to be necessary and proportionate to protect them from harm.

English common law allows all citizens to defend themselves against attack, providing they use a reasonable degree of force to do so. Equally, it is legitimate to prevent an unlawful attack on bystanders; again providing reasonable force is used. This common law right is encompassed in the [Criminal Justice and Immigration Act 2008](#).

The use of restraint

Where restraint does not amount to inhuman and degrading treatment it may be lawful if used in accordance with legal framework, ensuring that

- the aim of the restraint meets the purpose of the power in the legal framework, and
- there is a rational connection between the method of restraint used and the aim.

The following principles must also be complied with:

1. the means of restraint and its duration must be necessary, and no more than necessary, to accomplish the aim. This requires consideration of whether there is a less intrusive measure that could reasonably achieve the aim, and
2. the end must justify the means. A fair balance has to be struck between the severity and consequences of the interference for the individual being restrained and the aim of the restraint. This requires consideration of any reasons why an individual may be particularly vulnerable to harm, such as their age, experience of trauma, health conditions or disabilities.
3. Minor acts of physical interference such as a guiding hand may not breach rights, but the use of more significant physical force may only be used to restrain:
 - a) as a last resort, where there is no viable alternative
 - b) where there is a genuine belief that it is strictly necessary to prevent serious harm including the risk of injury to the person or others, or in limited cases, preventing a crime, disorder or damage to property.

As teaching and non-teaching staff have a 'Duty of Care' towards their learners, they could be liable for a claim of negligence if they fail to follow the guidance within this policy. The use of Team Teach techniques is one of our control methods for reducing risks presented by learner's challenging behaviour. Learners' Conduct Support Plans are Safe Systems of Work under Health and Safety Regulations. As such it is imperative that these plans are followed and implemented by all members of staff.

The application of any form of restrictive physical intervention inevitably carries an attached risk of unintended harm and this places staff and the college at risk of potential litigation. It can only be justified according to the circumstances described in this policy. Staff, therefore, have a responsibility to follow this policy and to seek alternative strategies wherever possible in order to prevent the need for restrictive physical intervention.

Staff members need to be aware that they are responsible for:

- assessing risks related to individual circumstances which may arise in the course of their day-to-day duties and;
- making judgements about when the use of restrictive physical intervention is necessary and the degree of force which may be regarded as reasonable to manage a situation.

Staff members need to be aware that they are required to justify their decisions in writing through the recording and reporting procedures outlined later in this document.

Restrictive physical intervention will only be used as a last resort when all other behaviour management strategies have failed or when learners, staff or property are at risk.

At Valley College it is extremely unlikely that learners would conceal weapons and therefore staff members have not received training in weapons disarmament

and staff will not be requested to undertake searches. Therefore, if the college decides that a search may be necessary of a learner then the police would be called.

Definitions of Positive Handling.

Positive Handling describes a broad spectrum of risk reduction strategies and is part of a holistic approach involving policy, guidance, management of the environment, and deployment of staff. It also involves personal behaviour, diversion, diffusion, and de-escalation. Conduct Support Plans at Valley College are designed to support staff to positively manage learners' challenging behaviour. They are based on a risk assessment and identify positive prevention strategies and how a learner may need to be supported in a crisis.

1. Physical Contact

In line with their role of supporting learners to access a broad and balanced curriculum proper physical contact should not occur between staff and learners.

2. Physical Intervention

This may be used to divert a learner from a destructive or disruptive action, for example guiding or leading a learner by the arm or shoulder where the learner is compliant. This technique cannot be emphasised enough and in the hands of a skilful practitioner many learners can be diverted from a potentially volatile situation into a less confrontational situation i.e. it may be possible to “defuse” a situation by a timely intervention.

3. Restraint and Restrictive Physical Intervention (RPI)

These terms are defined as follows:

“Restraint means to hold back physically or to bring a learner under control. It is typically used in more extreme circumstances, for example when two learners are fighting and refuse to separate without physical intervention.”

DfE, 2011

“Restrictive physical intervention involves the use of force to control a person’s behaviour and can be employed using bodily contact, mechanical devices or changes to the person’s environment.”

DfES, 2002

Restraint and restrictive physical intervention are a last resort and will only be used when there is an immediate risk to learners, staff or property. All such incidents must be recorded on a Serious Incident Form or RF1 form which is then documented in the Serious Incident Book (both available in the Valley College Admin Office). If anyone is injured a HS1 accident/incident report (Valley College Admin office) must also be completed. Records of incidents must be given to the

Head of College as soon as possible, and by the end of the college day at the latest.

The scale or nature of physical intervention or restraint/restrictive physical intervention must be proportionate to both the behaviour of the individual to be controlled, and the nature of harm they cause. Where force is required to overpower the will of the learner then this should be defined as restrictive physical intervention.

Withdrawal: this involves directing the learner from a situation which causes anxiety or distress to a location where they can be continuously observed and supported until they are ready to resume their usual activities. This is to allow them time to calm down or to prevent a situation from escalating. They may need time away from staff and other learners (either on their own or in another class/group) in order to break the cycle/pattern of their behaviour or to reduce their level of anxiety/distress. This could be time in a quiet room, or sitting in an office supervised by a senior member of staff. Where a learner uses a quiet room where the door is closed a member of staff must monitor their behaviour / response every 5 minutes until the door is opened or a member of staff enters the room.

Planned and emergency physical interventions

A **planned intervention** is one that is described / outlined in the learner's Conduct Support Plan. This should cover most interventions, as possible scenarios will be identified and planned for when the Conduct Support Plan is drawn up. These interventions may include the use of Team Teach techniques.

An **emergency physical intervention** may be necessary if a situation arises that was not foreseen or is uncharacteristic of the learner. Members of staff retain their duty of care to learners and any response, even in an emergency, must be proportionate to the circumstances. Staff should use the minimum force necessary to prevent injury and maintain safety, consistent with the training that they have received. Following any such incident, a Conduct Support Plan will be devised (or the existing plan updated) as per Valley College procedure to support effective responses to any such situations which may arise in the future.

Underpinning values

Everyone attending or working in this college has a right to:

- recognition of their unique identity;
- be treated with respect and dignity;
- learn and work in a safe environment;
- be protected from harm, violence, assault and acts of verbal abuse.

Learners attending this college and their advocates have a right to:

- consideration of individual learner needs by the staff who have responsibility for their care and protection;
- expect staff to undertake their duties and responsibilities in accordance with the college's policies;
- be informed about college rules, relevant policies and the expected conduct of all learners and staff working in college;
- when necessary, expect Conduct Support Plans to be designed to achieve outcomes that reflect the best interests of the learner with due regard to the Mental Capacity Act and DOLS.
- be informed about the college's complaints procedure.

Prevention

Primary Prevention

This is achieved by:

- the deployment of appropriate staffing numbers;
- the deployment of appropriately trained and competent staff;
- avoiding situations and triggers known to provoke challenging behaviour;
- creating opportunities for choice and achievement;
- developing staff expertise through a programme of Continuous Professional Development;

Secondary Prevention

This involves the recognition of the early stages of a behavioural sequence that is likely to develop into violence or aggression and employing 'defusing' techniques accordingly to avert any further escalation.

Where there is clearly documented evidence that particular sequences of behaviour escalate rapidly into violence, the use of a restrictive physical intervention (RPI) at an early stage in the sequence may, potentially, be justified if it is clear that:

- primary prevention has not been effective, and;
- the risks associated with **NOT** using RPI are greater than the risks of using RPI, and;
- other appropriate methods, which do not involve RPI, have been tried without success.

Judgements

It may be necessary to make a judgement regarding the relative risks and potential benefits arising from activities which might provoke challenging behaviours compared with the impact on the learner's overall quality of life if such activities are not allowed.

A decision to use therapeutic devices to prevent problem behaviour **MUST** be agreed by a multi-disciplinary team in consultation with service-users, their families, those with parental responsibility and advocates, and recorded within an individual's Conduct Support Plan.

Risk assessment and deciding whether to use force

Both challenging behaviour and restrictive physical interventions will involve a risk – to both staff and learners. A risk assessment aims to balance these risks. The aim of the individual learner's Conduct Support Plan and of this policy is to reduce the risks associated with learners' challenging behaviour as far as is reasonably practicable – the risks that are associated with the behaviour itself and the risk of managing that behaviour. The risks of employing an intervention should be lower than the risks of not doing so.

Learners whose challenging behaviour may pose a risk to staff or learners will be the subject of a Risk Assessment and will have a Conduct Support Plan drawn up as a result of this. These will be shared with all staff and stored in each individual learner's black file in their form room.

Health and Safety of Staff

Under the Health and Safety at Work Act, employees have a responsibility to report any circumstances which give rise to an increased risk to their Health and Safety.

Staff who have, or acquire, permanently or temporarily, any medical condition that may impact on their ability to carry out the strategies detailed in a learner's Conduct Support Plan have a duty to report these to the Head of College immediately as this may impact on their own safety and that of colleagues and/or learners.

Using Force

No legal definition of reasonable force exists. The term 'reasonable force' covers the broad range of actions that involve a degree of physical activity. For the purposes of this policy and the implementation of it in Valley College:

- 'reasonable in the circumstances' means using no more force than is needed; staff members are expected to use a **minimum** degree of force for the **shortest period of time** only when it is necessary to prevent a learner harming themselves or others, from damaging property, or causing disorder;
- the scale and nature of any physical intervention must be **proportionate** to both the behaviour of the individual and the nature of the harm they might cause;

- staff would be expected to follow the learner's Conduct Support Plan in the first instance to manage an incident/challenging behaviour;
- if this was unsuccessful and the situation continued to escalate staff would then be expected to employ other Team Teach techniques that they have been trained to use;
- only if all of the above have been tried and are unsuccessful should staff even consider any other form of restraint; the overriding consideration should still be the reasonable and proportional nature of the force used; any form of restraint that is likely to injure a learner (particularly anything that could constrict breathing) should only be used in **EXTREME** emergencies and when there was no viable alternative.

All the techniques used take account of a learners:

- age;
- gender;
- level of physical, emotional and intellectual development;
- special needs;
- social context.

Staff Training

Training at some level will be available for all staff at Valley College. For most staff this is enhanced by Team Teach training in the use of positive handling and it is the responsibility of the Head of College to ensure this training is kept up to date. No member of staff will be expected to use Team Teach techniques without appropriate training. Prior to the provision of training, guidance will be given on action to be taken. Arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going staff development.

Team Teach Ltd is a training provider that is accredited through the British Institute of Learning Difficulties (BILD) and adheres to their Code of Practice on physical intervention. Valley College acknowledges that physical techniques are only a small part of a wider holistic approach to behaviour management.

Most college staff working directly with learners will receive a 12-hour Basic Course in Team Teach.. This level of training is required for most staff as they are expected to be able to actively support each other, and learners, if an incident occurs and a learner needs physical intervention to keep themselves and/or others safe.

Some staff may work on a part-time basis or have physical difficulties which mean they would be less likely to be as physically involved in an incident and would therefore play a supporting role rather than being physically involved. Such staff may work individually with learners and may need 'personal safety techniques' should a learner become agitated whilst they are working with them. If the learner was already agitated they would not be working with them without

college staff also being present. For these staff the Team Teach 6-hour Foundation Course is sufficient to meet their needs and provides them with sufficient training to keep them and the learners safe.

This distinction in training and certification is considered a sensible risk-assessed approach to managing the training needs of all staff supporting our learners, and has been approved by Team Teach Ltd.

Support Following Incidents

Physical techniques are not treated in isolation and the college is committed to ensuring that as a result of incidents learning opportunities are created for learners that allow them to 'own' and take responsibility for their behaviour at a level appropriate to their stage of development.

Whilst the physical techniques are intended to reduce risk, there is always risk when two or more people use force to protect, release or restrain. Team Teach techniques seek to avoid injury to the learner, 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 learner remains safe. Any such injury will be recorded and reported using Record of First Aid Treatment book and a body map (available in the Valley College Admin Office). In addition, procedures are in place to ensure that appropriate support is provided for staff and that following an incident learner/staff relationships are rebuilt and repaired to ensure that a positive learning environment is maintained.

Visits out of college

Health and Safety remains a priority and staff should carry out risk assessments for each learner prior to each visit into the community. Due consideration should be given to the following:

- Is the learner able to cope with the demands of the proposed visit?
- Are there sufficient, suitably trained staff - particularly if there should be an incident?
- How will you contact college to get extra help if necessary and how will you get back?
- Have you remembered to take some of the Public Concern Cards to give to any onlookers to avoid having to explain what is happening during an incident?

The Head of College retains a list of all those staff trained and authorised. The list is reviewed on an annual basis through the training programme for staff via the SLA with Tor View School. At Valley College, volunteers, students on placement, visitors or advocates will not be placed in charge of learners who may present with challenging behaviour, and as such are not authorised by the Head

of College to use reasonable force. Supply staff must ensure that they are familiar with this college's policy. Appropriate guidance will be given if they have not undertaken Team Teach training.

Those whom the Head of College has not authorised will be told what steps to take in the case of an incident where control or restraint is needed. All staff will receive training in managing behaviour as part of their induction training (provided by Tor View School as part of the SLA) including the 'staff help' protocol.

*All members of staff are reminded that all learners who have challenging behaviour will have a Conduct Support Plan, which should be strictly adhered to. These plans are reviewed regularly and all staff members are encouraged to make a contribution to the plans. A learner's Conduct Support Plan constitutes a Safe System of Work under Health and Safety Regulations. If any member of staff believes that a Conduct Support Plan is no longer effective/suitable for any reason they **MUST** discuss this with the appropriate lecturer responsible for writing it **BEFORE** making any adjustments to it.*

Support services working within the college

When Support Services are working within Valley College it is the Head of College's responsibility to ensure that colleagues from these services are aware of college policy and practice, and comply with this.

Strategies for dealing with challenging behaviour

As endorsed in the college's Conduct Policy, staff utilise consistent positive strategies to encourage acceptable behaviour and good order.

Every effort will be made to resolve conflicts positively and without harm to learners or staff, property, buildings or the environment. Where unacceptable behaviour threatens good order and necessitates intervention, some or all of the following approaches should be taken according to the circumstances of the incident and in association with the Education and Inspections Act 2006 Section 93:

- Verbal acknowledgement of unacceptable behaviour with request for the learner to refrain (this includes negotiation, care and concern).
- Further verbal reprimand stating:
 - that this is the second request for cooperation;
 - an explanation of why observed behaviour is unacceptable;
 - an explanation of what will happen if the unacceptable behaviour continues.

- Warning of intention to intervene physically and that this will cease when the learner cooperates, if possible summon assistance from other staff – use “staff help” protocol or walkie talkies
- Physical intervention i.e. reasonable force being used to prevent a learner harming him or herself, others or property.

Acceptable measures of physical intervention (PI)

The use of Team Teach PI techniques can only be deemed reasonable if:

- it is warranted by the particular circumstances of the incident;
- it is delivered in accordance with the seriousness of the incident and the consequences which it is desired to prevent;
- it is carried out with the minimum level of physical intervention necessary to achieve the desired result;
- the age, understanding and gender of the learner are taken into account;
- it is likely to achieve the desired result.

Wherever possible assistance should be sought from another member of staff before intervening.

This form of physical intervention may involve staff:

- physically interposing themselves between learners;
- blocking a learner's path;
- escorting a learner;
- shepherding a learner away;
- supportively holding a learner to keep them or others safe until they have regained control of themselves or can be supported to an area to calm down.

In extreme circumstances, trained staff may need to use more restrictive Team Teach restrictive physical intervention techniques. Acceptable methods are taught as part of the training procedures made available to appropriate staff.

Any such measures will be most effective in the context of the overall positive and caring ethos of the college, the way in which staff exercise their responsibilities, and the behaviour management strategies used. Staff may need to rotate roles and have a break if the incident is prolonged (over 10 minutes) – you **must** follow the learner’s Conduct Support Plan.

It is acknowledged that with some disengagement techniques learners may encounter some minimal discomfort when appropriate release techniques are used. However, this is very brief and transient, and poses less of a risk than the behaviour they are employed in response to e.g. biting.

Almost all staff members are trained in First Aid and any of these may be called upon to implement First Aid or seek further guidance in the event of an injury or physical distress arising as a result of a physical intervention

Recording incidents

Where restrictive physical intervention has been used a record of the incident will be kept. Where a learner has a Conduct Support Plan that specifies the use of specific restrictive intervention techniques, incidents in which these techniques have used are recorded using a physical intervention log. This log is reviewed every 6-8 weeks. Where a learner does not have a Conduct Support Plan any incident of restrictive physical intervention is recorded using the On-line Management System (SchoolPod) as soon as possible after the incident (within 24 hours), normally prior to staff going off duty. This system acts as database of all such incidents in which an individual learner has been involved. After the review of the incident, a copy of the details will be placed on the learner's file as part of their educational record.

An Accident/Incident Form will be completed where more serious injury has occurred to a learner. An Accident/Incident Report Form will be completed where more serious injury has occurred to a member of staff.

Reporting incidents

All incidents will be reported to advocates. This may be by telephone or in the home-college journal, depending on the nature of the incident and the procedure agreed with advocates when their learner's Conduct Support Plan is devised / reviewed.

All incidents involving or which lead to the exclusion of a learner will be reported to advocates by telephone and reported to relevant parties including Team Teach and the college Directors. Where there is any concern over the appropriateness of a response the CSA Team Teach Adviser may refer the incident to the Lancashire Adults Safeguarding Board for clarification and/or investigation.

Monitoring incidents

Whenever a member of staff has occasion to use reasonable force, this will always 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 Head of College to the needs of any learner(s) whose behaviour may require the use of reasonable force.

Monitoring of incidents will take place on a regular basis (at least half-termly) and the results used to inform planning to meet individual learner and college needs. To support the Head of College and to ensure objectivity, a college Director will be involved in the monitoring process.

The Head of College will present an annual summary of incidents that have involved the use of force to the Trustees.

Action after an incident

At Valley College we have a debrief procedure which should be utilised if staff need to debrief after an incident. Where staff have been involved in an incident involving reasonable force they should have access to counselling and support should they wish it. Within the college, this will be made available/supported through the Head of College. Staff may also contact the Directorate's Counselling Line (01772 263346).

The Head of College will ensure that each incident is reviewed and investigated further as required. If further action is required in relation to a member of staff or a learner, this will be pursued through the appropriate procedure:

- review of Conduct Support Plan;
- adult safeguarding procedure (this may involve investigations by Police and/or Social Services);
- staff or learner disciplinary procedure;
- college Learner and Student Conduct Policy;
- exclusions procedure; in the case of violence or assault against a member of staff this may be considered;
- the member of staff will be kept informed of any action taken;
- in the case of any action concerning a member of staff, he/she will be advised to seek advice from his/her professional association/union.

In some circumstances it may be appropriate to provide additional training or professional support for particular staff in relation to the management of incidents where although the criteria for the application of the above procedures were not met, it is decided that the incident could have been managed more effectively.

Staff should ensure that they are fully recovered from an incident before resuming their duties and colleagues are encouraged to seek and offer support where it is deemed necessary.

Learners who may be distressed by events can be offered the following support:

- quiet time taking part in a calming activity;
- quiet time away from the incident/trigger;
- resuming their usual routine/previous activity as soon as possible, especially for learners with Autistic Spectrum Disorder;
- time with a member of staff to debrief the incident, using a symbol debrief sheet or other alternative or augmentative forms of communication (AAC).

Complaints

The availability of a clear policy about reasonable force and early involvement of parents/carers should reduce the likelihood of complaints but may not eliminate them.

Where the nature of any complaint made by a learner, parent or other person in relation to the use of Restrictive Physical Intervention within the college indicates that an allegation of mishandling by a member of staff is being made the matter will be reported to the Adult Safeguarding Team and Local Authority Designated Officer (LADO) in accordance with LA procedures.

In such circumstances the investigation of the complaint/allegation and any resulting action will be carried out in accordance with the guidance received from the LA.

This section should be read in conjunction with the college's complaint procedure. A full copy is available from the college office.

In respect of this particular policy it should be noted that:

1. all complaints about the use of force should be thoroughly, speedily and appropriately investigated;
2. where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action;
3. 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 has acted reasonably;
4. suspension should not be an automatic response when a member of staff has been accused of using excessive force. Colleges should refer to the 'Dealing with Allegations of Abuse against Teachers and Other Staff' guidance where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person should not be suspended automatically, or without careful thought;
5. colleges must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate;
6. if a decision is taken to suspend a teacher, the college should ensure that the teacher has access to a named contact who can provide support;
7. governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher;
8. as employers, colleges and local authorities have a duty of care towards their employees, it is important that college provide appropriate pastoral care to all members of staff.

Whistle Blowing

Whilst the training in Team Teach provided to all staff, encourages the use of help protocols and reflective practice, it is acknowledged that under some circumstances, physical intervention can be misapplied. Staff members are reminded that part of their duty of care to learners includes the requirement to report any such matters which cause them concern in relation to learner management and welfare. Any such concerns, (short of immediate Adult Safeguarding concerns which should of course be passed to the DSL), should be raised with the Head of College, another Senior Manager or with the Chair of Directors in order to allow concerns to be addressed and practice improved.

Reference documents

DfE (2014) Behaviour and discipline in schools: Advice for headteachers and college staff – www.gov.uk/government/publications

DfE (2012) Use of reasonable force – Advice for Principals, staff and governing bodies - www.education.gov.uk

DfES (2007) The Violent Crime reduction Act 2006 (screening and searching of learners for weapons guidance for college staff) - www.teachernet.gov.uk/wholecollege/healthandsafety/collegesecurity/

DfES / DoH (2002) Guidance on the use of restrictive physical interventions for staff working with Children who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders - www.teachernet.gov.uk/wholecollege/sen/piguide

DfES / DoH (2003) Guidance on the Use of Restrictive Physical Interventions for Learners with Severe Behavioural Difficulties - www.teachernet.gov.uk/wholecollege/sen/piguide

Lancashire County Council (2012) Protocol on the use of restrictive physical interventions in schools, residential homes and other care settings for children - www.lancashire.gov.uk

Risk Assessment Pro Forma - <http://www.teachernet.gov.uk/docbank/index.cfm?id=5334>

The Education and Inspections Act 2006 - Section 93 replaces section 550A of the Education Act 1996 - <http://www.opsi.gov.uk/ACTS/en2006/06en40-f.htm>

The Children's Act 1989 - http://www.opsi.gov.uk/acts/acts1989/Ukpga_19890041_en_1.htm

	Name/Initials:	Date:
Written By:		Jun 14
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	SDi	Jan 2018
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