

Policy Title:	Use of Reasonable Physical Intervention to Control Students
Policy Reference:	TOA105
Description:	The document explains the framework within which the Academy operates when authorised staff find it necessary to use preventative measures and reasonable physical intervention with students
Status:	Non-Statutory
Category:	Staff
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Other relevant TOA polices	TOA004 Allegations of Abuse Against Staff TOA007 Attitudes to Learning TOA011 Complaints TOA020 Home Academy Agreement TOA034 Safeguarding Child Protection and Student Welfare TOA038 Staff Discipline TOA038 Staff Discipline TOA042 Anti Bullying
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Change Record

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Positive Handling of Students

1. Introduction

- 1.1 All members of academy staff have a legal power to use reasonable physical intervention. All members of staff who may have to intervene physically with students must clearly understand the options and strategies open to them. They must know what is acceptable and what is not.
- 1.2 Health and safety legislation requires employers to provide clear guidance and training to reduce risk. All staff who may need to hold, move or physically intervene with a student should have the opportunity to undergo appropriate training, to not only fulfill a duty of care to our students but also to ensure they keep themselves safe in this duty.
- 1.3 Whilst the Academy does not need parental consent to use reasonable physical intervention on a student, it is imperative to the relationship with parents that the Governing Board, parents and students need to understand these principles.

2. Planning and reducing risk

- 2.1 Although preventative measures will not always work, there are a number of steps which will assist the Academy to help reduce the likelihood of situations arising where the power to use reasonable intervention may need to be exercised:
 - i Clearly communicating the policy and procedures to parents and students.
 - ii Creating a calm, orderly and supportive climate that minimises the risk and threat of violence of any kind.
 - iii Developing effective relationships between students and staff that are central to good order.
 - iv Creating an engaging personalised and well taught curriculum which motivates and inspires every student.
 - iii Adopting a whole Academy approach to developing social and emotional skills. The *Social and Emotional Aspects of Learning* (SEAL) programme provides staff development opportunities and curriculum materials for helping students to develop skills such as managing strong feelings. The SEAL resource is available at: <http://nationalstrategies.standards.dcsf.gov.uk/node/65860>.
 - iv Implementing risk assessment and personal handling plans in consultation with parents, when the Academy is aware a student is likely to behave in a way that causes risk

- v Regularly evaluate the time and location of behaviour incidents to assess risk and implement strategies to offset incidents occurring in the future.

3. Appropriate use of physical intervention

3.1 There is no legal definition of “reasonable physical intervention”. So it is not possible to set out comprehensively when it is reasonable to use physical intervention, or the degree of physical intervention that may reasonably be used. It will always depend on all the circumstances of the case. There are three relevant considerations:

- i **“Necessary”** The use of physical intervention can be regarded as reasonable only if the circumstances of the particular incident warrant it.
- ii **“Proportionate”** The degree of physical intervention employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any physical intervention used should always be the minimum needed to achieve the desired result.
- iii **“In the best interests of the child”** - Whether it is reasonable, proportionate or necessary to use physical intervention and the degree of physical intervention that could reasonably be employed, will depend on the age, understanding and sex of the student. In some cases particularly in cases concerning students with SEND, the Academy may also need to take medical advice about the safest way to hold students with specific health needs.

3.2 It is unlawful to use physical intervention as a punishment in any circumstance

4. Section 93 of the Education and Inspections Act 2006

4.1 Section 93 of the Education and Inspections Act 2006 enables Academy staff to use such physical intervention as is reasonable in the circumstances to prevent a student from doing, or continue to do, any of the following:

- i Committing any offence (or, for a student under the age of criminal responsibility, what would be an offence for an older student).
- ii Causing injury to self or others
- iii Causing damage to property
- iii Causing disorder at the Academy or among any of its students receiving education at the Academy,.

5. Authorised Staff

- 5.1 The Education and Inspections Act 2006 allows all teachers at the Academy to use reasonable physical intervention to control or restrain students. It also allows other people to do so, in the same way as teachers, provided they have been authorised by the Headteacher to have control or charge of students. These might include classroom assistants, caretakers or voluntary helpers, including people accompanying students on visits, exchanges or holidays organised by the Academy.
- 5.2 The Headteacher, or designated person, will identify people, other than teachers, whom he/she wishes to authorise to have control or charge of students and therefore be able to use reasonable physical intervention if necessary. Authorisation may be of a permanent or long-term nature, or short term for a specific event such as an Academy trip. The Headteacher, or designated person, will explicitly inform the people concerned and ensure that they are aware of and properly understand what the authorisation entails.
- 5.3 Trained staff: Kamran Abbassi, Bob Gavin, Tom Griffin, Jenny Osborne.

6. Action in Self-Defence or in an Emergency

- 6.1 Everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of physical intervention to do so. Similarly, in an emergency (for example if a student was at immediate risk of injury or on the point of inflicting injury on someone else) any member of staff would be entitled to intervene.

7. Types of Incidents

- 7.1 There are a number of situations in which reasonable physical intervention might be appropriate, or necessary, to control or restrain a student. Reasonable physical intervention is that which is the minimum required to have the desired result. They will fall into three broad categories:
- i Action is necessary in self-defence or because there is an imminent risk of injury.
 - ii There is a developing risk of injury, or significant damage to property.
 - iii A student is behaving in a way that is compromising good order and discipline, regardless of whether that behaviour would also constitute a criminal offence.
- 7.2 Examples of situations that fall within these categories are:

- i a student attacks a member of staff, or another student.
- ii students are fighting.
- iii a student is engaged in, or is on the verge of, committing deliberate damage to property.
- iv a student is causing, or is at risk of causing, injury or damage by accident, by rough play or by misuse of dangerous materials or objects.
- v a student is running in a corridor or on a stairway in a way in which he or she might have, or cause, an accident likely to injure him or herself or others.
- vi a student absconds from a class or tries to leave Academy other than at an authorised time and as such presents a risk to themselves, other students or damage to property.
- vii a student persistently refuses to follow an instruction to leave a classroom.
- viii a student is behaving in a way that seriously disrupts a lesson.
- ix a student is behaving in a way that seriously disrupts an Academy sporting event or Academy visit.

8. Practical Considerations

- 8.1 Sometimes intervention in incidents should not be carried out without help (unless it is an emergency), for example when dealing with an older student, a physically large student, more than one student or if the person believes he or she may be at risk of injury. In those circumstances the authorised person should remove other students who might be at risk and summon assistance from an authorised colleague or colleagues or, when necessary, phone the police. The person should inform the student(s) that he or she has sent for help. Until assistance arrives the person should continue to attempt to defuse the situation orally or try to prevent the incident from escalating.

9. Application of Physical Intervention

- 9.1 Physical intervention can take several forms. It might involve staff:
- i physically interposing between students.
 - ii blocking a student's path.

- iii holding.
- iv pushing.
- v pulling.
- vi shepherding a student away by placing a hand in the centre of the back.
- viii in extreme circumstances, using recognised physical restraints.

9.2 Staff should not act in a way that might reasonably be expected to cause injury. For example, staff should not:

- i hold a student around the neck or by the collar as this might restrict the student's ability to breathe.
- ii slap, punch or kick a student.
- iii twist or force limbs against a joint.
- iv trip a student up.
- v hold or pull a student by the hair or ear.
- vi sit on a student
- vii hold a student face down on the ground.

9.3 Staff should always avoid touching or holding a student in a way that might be considered indecent.

10. Recording Incidents

10.1 It is important that there is a detailed physical intervention report for any significant incident where physical intervention is used.

“Significant incidents” are described as

- i Where reasonable physical intervention has been used
- ii Where unreasonable physical intervention has been used
- iii Where a recognised restraint technique has been deployed
- iv Where a student has exhibited extreme distress during an incident

10.2 The Academy keeps up to date records of all such incidents in the student file and copied into an incident file.

- 10.3 Immediately following any such incident, the member of staff concerned should tell the Assistant Headteacher and provide a written physical intervention report as soon as possible afterwards.
- 10.4 Staff may find it helpful to seek advice from a senior colleague (or a representative of their professional association) when compiling a report. They should also keep a copy of the report.
- 10.5 Differing accounts given of the same incident should all be recorded.
- 10.6 All injuries should be recorded in accordance with Academy procedures.
- 10.7 Members of staff who had been assaulted will wish to consider reporting that to the police.

11 Reporting incidents of physical intervention to parents

- 11.1 After any recordable physical intervention incident, parents must always be informed. Wherever possible, it is best to telephone parents as soon as possible after the incident. It is also good practice for parents to be given a copy of the Academy's policy on the use of physical intervention and information on post-incident support.
- 11.2 Incidents involving the use of physical intervention can cause the parents of the student involved great concern. Parents do not have an automatic right to see the physical intervention report. They should however be informed of-:
 - i when and where the incident took place,
 - ii which members of staff were directly involved. Guidance should be sought where there is a risk in identifying people by name. In such cases anonymous accounts may be required,
 - iii why physical intervention was required
 - iv what physical intervention was used,
 - v whether there were any injuries
 - vi what follow-up action was being taken in relation to their child.
- 11.3 Incidents can be upsetting for the authorised person, appropriate support should be offered. This may include the support of a professional association.
- 11.4 Even if a copy of the actual physical intervention record is not provided by the Academy, the parent is entitled to see the educational record, free of charge, within 15 school days of receipt of the parent's written request. If a parent makes a written request for a copy of the record, this must be provided, also within 15 school days of that request being received. Such information may be provided under requests through the Access to and Management of Student Records policy.

12. Complaints

- 12.1 The possibility that a complaint might result in a disciplinary hearing, a criminal prosecution or in a civil action brought about by a student or parent cannot be ruled out. In these circumstances it would be for the disciplinary panel or the Court to decide whether the use and degree of physical intervention was reasonable, proportionate and necessary in all circumstances.

13. Physical Contact with Students in Other Circumstances

- 13.1 There are occasions when physical contact with a student may be proper or necessary, other than those covered in Section 93 of the Education and Inspections Act 2006. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching or Design and technology, or if a member of staff has to give first aid. Students with SEN and/or disabilities may need staff to provide physical prompts for help. Touching may also be appropriate where a student is being congratulated or praised, or where the student is in distress and needs comforting. Teachers must be aware of the Academy's guidelines in relation to child protection when making physical contact with students.
- 13.2 There may be some students for whom touching is particularly unwelcome. For example, some students may be particularly sensitive to physical contact because of their cultural background or because they have been abused. It is important that staff who may come into contact with these students or groups of students should have the relevant information. A common approach where staff and students are of different sexes is adapted at the Academy where contact or restraint between sexes is not permitted unless there is an extremely urgent situation. In such circumstances, immediate assistance is paramount. Physical contact with students becomes increasingly open to question as students reach and go through adolescence and staff should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

14. Monitoring, Evaluation and Review

- 14.1 The Governing Board will review this policy at least every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Academy.

Annex 1: The Oxford Academy Positive Handling Plan

Positive Handling Plan (PHP)

Name:

Setting:

Trigger Behaviours (Describe common behaviours/situations which are known to have led to Positive Handling being required. When is such behaviour likely to occur?)

Typical Behaviours (Describe what the behaviour looks/sounds like during an incident?)

Preferred Supportive & Intervention Strategies (Describe strategies that, where and when possible, should be attempted before positive handling techniques are used.)

Verbal advice and support	<input type="checkbox"/>	Distraction (Key words, Likes etc)	<input type="checkbox"/>
Reassurance	<input type="checkbox"/>	Take up Time	<input type="checkbox"/>
Negotiation	<input type="checkbox"/>	Time Out (requires a written plan)	<input type="checkbox"/>
Choices/Limits	<input type="checkbox"/>	Withdrawal	<input type="checkbox"/>
Humour	<input type="checkbox"/>	Consequences	<input type="checkbox"/>
Planned Ignoring	<input type="checkbox"/>	Success Reminder	<input type="checkbox"/>

Praise Points/ Strengths (Areas that can be developed and built upon).

1:

2:

3:

Medical Conditions that should be taken into account before physically intervening.
ie Asthma, Brittle Bones

Preferred Handling Strategies: (describe the preferred holds: standing, sitting, stating number of staff, what “get outs” that can be used when holding, etc)

De-briefing process following incident: (what is the care to be provided)

Recording and notifications required:

Print Name: _____

Signature: _____

Establishment : The Oxford Academy

Parents’/Carers’ Name: _____

Signature _____

Date _____

Review Date _____

Diversion and Distractions

Describe interests, words, objects etc which may divert attention from an escalating crisis.

Annex 2: Use of Reasonable Physical Intervention: Incident Record¹

Details of student(s) on whom reasonable physical intervention was used by a member of staff (name, class)	
Date, time and location of incident	
Names of staff involved (directly or as witnesses)	
Details of other students involved (directly or as witnesses), including whether any of the students involved were vulnerable for SEN, disability, medical or social reasons	
Description of incident by staff involved, including any attempts to de-escalate and warnings given that reasonable physical intervention might be used	
Reason for using reasonable physical intervention and description of reasonable physical intervention used	
Any injury suffered by staff or student(s) and any first aid and/or medical attention required	
Follow up, including post-incident support and any disciplinary action against students	
Any information about the incident shared with staff not involved in it and external agencies	
When and how those with parental responsibilities were informed about the incident and any views they have expressed	
Has any complaint been lodged (details should not be recorded here)?	
Report compiled by: Name Role Signature Date	Report countersigned by: Name Role Signature Date

¹ This form is extracted from the DfE guide on Use of Force, Annex B