

# THE WESTGATE SCHOOL

## Hampshire's First 4-16 'All Through' School

*"The Westgate School is a community of learners where partnerships inspire success for all:  
learning together – achieving excellence"*

**Headteacher: Mrs F A Dean, MA (Ed)**

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Model Policy	Yes	Model localised	
Pupil leadership team review		N/A	

## RESTRICTIVE PHYSICAL INTERVENTION

### Rationale

We do all that we can within our school to manage behaviour positively and operate according to mutual respect. We exercise appropriate care when using any form of physical contact. However, there are times when we may need to use force to keep a child or children safe, or to maintain good order within the school. In such cases, we would always act within the principle of reasonable force.

### AIMS

1. To ensure consistency and appropriateness of response on the very rare occasions when restraining becomes necessary. The intervention must be reasonable and proportionate in relation to the situation.
2. To achieve protection for pupils and for any colleagues who may have to use restraint and to prevent damage to property.

### 1 Background

We define restrictive physical intervention as follows: Restrictive physical intervention is when a colleague uses force intentionally to restrict a child's movement against his or her will.

All colleagues within this setting aim to help children take responsibility for their own behaviour. We do this through a combination of approaches, which include:

- positive role modelling
- consistent positive whole school behaviour management
- teaching an interesting and challenging curriculum
- setting and enforcing appropriate boundaries and expectations
- and providing supportive feedback.

More details about this and our general approach to promoting positive behaviour can be found in our behaviour policy. There are times when children's behaviour presents particular challenges that may require restrictive physical intervention. This policy sets out our expectations for the use of such intervention in order to keep themselves and others safe.

It is not intended to refer to the general use of physical contact which might be appropriate in a range of situations, such as:

- giving physical guidance to children (for example in practical activities and PE)
- providing emotional support when a child is distressed
- providing physical care (such as first aid or toileting).

This policy is consistent with our Child Protection and Equal Opportunities policies, and with national and local guidance for schools on safeguarding children. We exercise appropriate care when using physical contact; there are some children for whom physical contact would be inappropriate (such as those with a history of physical or sexual abuse, or those from certain cultural/religious groups). We pay careful attention to issues of gender and privacy, and to any specific requirements of certain cultural/religious groups.

### 2 Principles for the use of restrictive physical

## **intervention**

### **2.1 In the context of positive approaches**

We only use restrictive physical intervention where the risks involved in using force are outweighed by the risks involved in not using force. It is not our preferred way of managing children's behaviour. Restrictive physical intervention may be used only in the context of a well-established and well implemented positive behaviour management framework with the exception of emergency situations. We describe our approach to promoting positive behaviour in our Behaviour Policy. We aim to do all we can in order to avoid using restrictive physical intervention. We would only use restrictive physical intervention where we judge that there is no reasonably practicable less intrusive alternative. However, there may be rare situations of such concern where we judge that we would need to use restrictive physical intervention immediately. We would use restrictive physical intervention at the same time as using other approaches, such as saying, "Stop!" and giving a warning of what might happen next. Safety is always a paramount concern and colleagues are not advised to use restrictive physical intervention if it is likely to put themselves at risk. We will make parents/guardians aware of our Physical Intervention policy alongside other policies when their child joins our school.

### **2.2 Duty of care**

We all have a duty of care towards the children in our setting. This duty of care applies as much to what we *don't* do as what we *do* do. When children are in danger of hurting themselves or others, or of causing significant damage to property, we have a responsibility to intervene. In most cases, this involves an attempt to divert the child to another activity or a simple instruction to "Stop!" along with a warning of what might happen next. However, if we judge that it is necessary, we may use restrictive physical intervention.

### **2.3 Reasonable force**

When we need to use restrictive physical intervention, we use it within the principle of reasonable force. This means using an amount of force in proportion to the circumstances. We use as little force as is necessary in order to maintain safety, and we use this for as short a period as possible.

## **3 When can restrictive physical intervention be used?**

The use of restrictive physical intervention may be justified where a pupil is:

1. committing an offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil)
2. causing personal injury to, or damage to the property of, any person (including the pupil himself); or
3. prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise. Restrictive physical intervention may also be appropriate where, although none of the above have yet happened, they are judged as highly likely to be about to happen. We are very cautious about using restrictive physical intervention where there are no immediate concerns about possible injury or exceptional damage to property. Restrictive physical intervention would only be used in exceptional circumstances, with colleagues that know the student well and who are able to make informed judgements about the relative risks of using, or not using, restrictive physical intervention; for example stopping a younger child leaving the school site. The main aim of restrictive physical intervention is usually to maintain or restore safety. We acknowledge that there may be times when restrictive physical intervention may be justified as a reasonable and proportional response to prevent damage to property or to maintain good order and discipline at the school. However, we would be particularly careful to consider all other options available before using restrictive physical intervention to achieve either of these goals. In all cases, we remember that, even if the aim is to re-establish good order, restrictive physical intervention may actually escalate the difficulty. If we judge that restrictive physical intervention would make the situation worse, we would not use it, but would do something else (like go to seek help, make the area safe or warn about what might happen next and issue an instruction to stop) consistent with our duty of care. Our duty of care means that we might use a restrictive physical intervention if a child is trying to leave our site and we judged that they would be at unacceptable risk. This duty of care also extends beyond our site boundaries: there may also be situations where we need to use restrictive physical intervention when we have control or charge of children off site (e.g. on trips). We never use restrictive physical intervention out of anger or as a punishment.

Examples of situations where we might use reasonable force are:

- a pupil attacks a colleague, or another pupil;
- pupils are fighting;
- a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- a pupil is causing, or at risk of causing, injury or damage by rough play, or by misuse of dangerous materials or objects.
- a pupil is running in a corridor or on a stairway in a way in which he or she might cause accident or injury.
- **a pupil should not be restrained or prevented from leaving a classroom or area unless they are a physical threat to themselves or others.**

#### **4 Who can use restrictive physical intervention**

If the use of restrictive physical intervention is appropriate, and is part of a positive behaviour management framework, a colleague who knows the child well should be involved, and where possible, trained in the use of restrictive physical intervention. However, in an emergency, any of the following may be able to use reasonable force in the circumstances set out in Section 93 of the Education and Inspections Act (2006):

1. any teacher who works at the school, and
2. any other person whom the headteacher has authorised to have control or charge of pupils, including:
  - (a) support colleagues whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors;
 and
  - (b) people to whom the headteacher has given temporary authorisation to have control or charge of pupils such as paid colleagues whose job does not normally involve supervising pupils (for example catering or premises-related colleagues)

#### **5 Planning around an individual and risk assessment**

In an emergency, colleagues do their best, using reasonable force within their duty of care. Where an individual child has an individual positive behaviour management plan, which includes the use of restrictive physical intervention, we ensure that such colleagues receive appropriate training and support in behaviour management as well as restrictive physical intervention. We consider colleagues and children's physical and emotional health when we make these plans and consult with the child's parents/guardians

In most situations, our use of restrictive physical intervention is in the context of a prior risk assessment which considers:

What the risks are

Who is at risk and how

What we can do to manage the risk (this may include the possible use of restrictive physical intervention).

We use this risk assessment to inform the individual behaviour plan that we develop to support the child. If this behaviour plan includes restrictive physical intervention it will be as just one part of a whole approach to supporting the child's behaviour. The behaviour plan outlines:

Our understanding of what the child is trying to achieve or communicate through his/her behaviour.

How we adapt our environment to better meet the child's needs.

How we teach and encourage the child to use new, more appropriate behaviours.

How we reward the child when he or she makes progress.

How we respond when the child's behaviour is challenging.

We recognise that there may be some children within our school who find physical contact in general particularly unwelcome as a consequence of their culture/religious group or disability. There may be others for whom such contact is troubling as a result of their personal history, in particular of abuse. We have systems to alert colleagues discreetly to such issues so that we can plan accordingly to meet individual children's needs.

#### **6 What type of restrictive physical intervention can be used**

Any use of restrictive physical intervention by colleagues should be consistent with the principle of reasonable force. In all cases, colleagues should be guided in their choices of action by the principles in section 2 above.

Colleagues should not act in ways that might reasonably be expected to cause injury, for example by:

- holding a child around the neck or collar or in any other way that might restrict the child's ability to breathe
- slapping, punching or kicking a child
- twisting or forcing limbs against a joint
- tripping a child
- holding a child by the hair or ear.

Such actions would normally be considered potentially inappropriate.

Before intervening physically a colleague should, wherever possible, tell the pupil who is misbehaving to stop, and what will happen if he or she does not. The colleague should continue attempting to communicate with the pupil throughout the incident.

Appropriate physical intervention might take several forms. It might involve colleagues:

- physically interposing between pupils;
- blocking a pupil's path;
- holding;
- leading a pupil by the hand or arm;
- shepherding a pupil away by placing a hand in the centre of the back; or,
- (in extreme circumstances) using more restrictive holds.

We do not plan for and do not allow, except in emergency situations, colleagues to use seclusion. Seclusion is where a young person is forced to spend time alone in a confined space against their will. We may, however, use withdrawal or time-out in a planned way. We define these as follows:

**Withdrawal** involves taking a young person, with their agreement, away from a situation that has caused anxiety or distress, to a place where they can be observed continuously and supported until they are ready to resume their usual activities.

**Time-out** is where a response to a young person's inappropriate behaviour includes a specific period of time with no positive reinforcement as part of an overall intervention plan. Where colleagues need specific training in the use of restrictive physical intervention, we arrange that they should receive Team Teach training, through Hampshire County Council. This training is accredited through the national accreditation system set up by BILD (British Institute of Learning Disabilities). We ensure that colleagues have access to appropriate refresher training.

Further, we actively work to ensure general training is accessed by our colleagues in the following areas:

- ☐ relating to legal issues policy and risk assessment
- ☐ in addition to behaviour management strategies such as positive approaches to behaviour management
- ☐ de-escalation techniques and managing.

A record of such training is kept and monitored. See Appendix three.

## 7 Recording and reporting

We record any use of restrictive physical intervention using the record sheet in the Hampshire *Planning and Recording Physical Interventions in Schools* booklet. We do this as soon as possible and in any event within 24 hours of the incident. According to the nature of the incident, we may also note it in other records, such as the accident book, violent incident records or child tracking sheets which are also kept in headteacher's PA's office and shared with appropriate Children's Services Department, e.g. Health and Safety. Further, our governing body ensures that procedures are in place for recording significant incidents and then reporting these incidents as soon as possible to pupil's parents. After using restrictive physical intervention, we ensure that the headteacher is informed as soon as possible. We also inform parents by phone (or by letter or note home with the child if this is not possible). A copy of the record form is also available for parents to read. In rare cases, we might need to inform the police, such as in incidents that involve the possession of weapons. This would be in line with our general practice, informed by the DfE Guidance 'Screening, Searching and Confiscation – Advice for Head Teachers, Staff and Governing Bodies' (2011) and Section 45 of the Violent Crime Reduction Act 2006.

## **8 Supporting and reviewing**

We recognise that it is distressing to be involved in a physical intervention, whether as the child being held, the person doing the holding, or someone observing or hearing about what has happened.

After a restrictive physical intervention, we give support to the child so that they can understand why it was necessary. Where we can, we record how the child felt about this. Where it is appropriate, we have the same sort of conversations with other children who observed what happened. In all cases, we will wait until the child has calmed down enough to be able to talk productively and learn from this conversation. If necessary, the child will be asked whether he or she has been injured so that appropriate first aid can be given. This also gives the child an opportunity to say whether anything inappropriate has happened in connection with the incident. Restoration is part of our positive behaviour management approach.

We also support adults who were involved, either actively or as observers, by giving them the chance to talk through what has happened with the most appropriate person from within the colleague team. A key aim of our after-incident support is to repair any potential strain to the relationship between the child and the people that were involved in the restrictive physical intervention. After a restrictive physical intervention, we consider whether the individual behaviour plan needs to be reviewed so that we can reduce the risk of needing to use restrictive physical intervention again.

## **9 Monitoring**

We monitor the use of restrictive physical intervention in our school. The Headteacher and Senior Deputy Headteacher are responsible for reviewing the records on a termly basis, and more often if the need arises, so that appropriate action can be taken. The information is also used by the governing body when this policy and related policies are reviewed.

Our analysis considers equalities issues such as age, gender, disability, culture and religion issues in order to make sure that there is no potential discrimination; we also consider potential child protection issues. We look for any trends in the relative use of restrictive physical intervention across different colleagues and across different times of day or settings. Our aims are to protect children, to avoid discrimination and to develop our ability to meet the needs of children without using restrictive physical intervention. We report this analysis back to the governing body so that appropriate further action can be taken and monitored.

## **10 Concerns and complaints**

The use of restrictive physical intervention is distressing to all involved and can lead to concerns, allegations or complaints of inappropriate or excessive use. In particular, a child might complain about the use of restrictive physical intervention in the heat of the moment but on further reflection might better understand why it happened. In other situations, further reflection might lead the child to feel strongly that the use of restrictive physical intervention was inappropriate. This is why we are careful to ensure all children have a chance to review the incident after they have calmed down. If a child or parent has a concern about the way restrictive physical intervention has been used, our school's complaints procedure explains how to take the matter further and how long we will take to respond to these concerns. Where there is an allegation of assault or abusive behaviour, we ensure that the headteacher is immediately informed. We would also follow our child protection procedures. In the absence of the headteacher, in relation to restrictive physical intervention, we ensure that the deputy headteacher is informed. If the concern, complaint or allegation concerns the headteacher, we ensure that the Chair of Governors is informed. If parents/carers are not satisfied with the way the complaint has been handled, they have the right to take the matter further as set out in our complaints procedure. The results and procedures used in dealing with complaints are monitored by the governing body.

## **Appendix One: Summary guidance for colleagues on the use of Physical Intervention**

**Training to be provided as part of the Safeguarding briefing at the beginning of each academic year and as part of the induction process.**

### **Introduction**

This guidance for colleagues is a summary of our school's detailed policy on the use of physical intervention. Where colleagues are in any doubt about the use of physical intervention, they should refer to the full policy.

This summary guidance refers to the use of restrictive physical intervention (restraint) which we define as "when a colleague uses force intentionally to restrict a child's movement against his or her will". Colleagues should not feel inhibited from providing physical intervention under other circumstances, such as providing physical support or emotional comfort where such support is professionally appropriate. The use of such support must be consistent with our Child Protection policy.

### **Who can restrain? Under what circumstances can restraint be used?**

Everyone has the right to use reasonable force to prevent actual or potential injury to people or damage to property (Common law power). Injury to people can include situations where a child's behaviour is putting him or herself at risk. In all situations, colleagues should always aim to use a less intrusive technique (such as issuing direct instructions, clearing the space of danger or seeking additional support) unless they judge that using such technique is likely to make the situation worse.

Teachers and other authorised colleagues (see full policy for more details about this) may also use reasonable force where a child's behaviour is prejudicial to the maintenance of good order. Colleagues should be very cautious about using restrictive physical intervention under such circumstances. (Statutory law power).

Statutory power – Section 93 of the Education and Inspections Act 2006 enables staff under statutory power to use such force as is reasonable and proportionate to prevent a pupil from doing or continuing to do any of the following –

- a) committing an offence
- b) Causing personal injury to, or damage to the property of, any person (including the pupil himself) **and**
- c) prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise).

Restraint should never be used as a substitute for good behaviour management, or in an angry, frustrated, threatening or punishing manner.

Pupils should only be restrained from leaving a room where there is a serious risk of harming and themselves or others.

Although all colleagues have a duty to care to take appropriate steps in a dangerous situation, this does not mean that they have to use restraint if they judge that their attempts to do so are likely to escalate the situation. They may instead issue a direction to stop, call for additional assistance or take appropriate action to make the environment as safe as possible (e.g. by clearing the room of children).

Where it is anticipated that a specific pupil's behaviour makes it likely that they may be restrained, a risk assessment and intervention plan should be developed and implemented.

### **What type of restraint can be used?**

Any use of physical force should be consistent with the principle of reasonable force. This means it needs to be in proportion to the risks of the situation, and that as little force is used as possible, for as short a period of time, in order to restore safety. Colleagues should:

#### *Before physical contact:*

- (a) Use all reasonable efforts to avoid the use of physical intervention to manage children's behaviour. This includes issuing verbal instructions and a warning of an intention to intervene physically.
- (b) Try to summon additional support before intervening. Such support may simply be present as an observer, or may be ready to give additional physical support as necessary.
- (c) Be aware of personal space and the way that physical risks increase when a colleague enters the personal space of a distressed or angry child. (Colleagues should also note that

any uninvited interference with a student's property may be well away, or close the gap between themselves and the child very rapidly, without leaving a "buffer zone" in which they can get punched or kicked.

- (d) Avoid using a "frontal", "squaring up" approach, which exposes the sensitive parts of the body, and which may be perceived as threatening. Instead, colleagues should adopt a sideways stance, with their feet in a wide, stable base. This keeps the head in a safer position, as well as turning the sensitive parts of the body away from punches or kicks. Hands should be kept visible, using open palms to communicate lack of threat.

*Where physical contact is necessary:*

- (e) Aim for side-by-side contact with child. Colleagues should avoid positioning themselves in front of the child (to reduce the risk of being kicked) and should also avoid adopting a position from behind that might lead to allegations of sexual misconduct. In the side-by-side position, colleagues should aim to have no gap between the adult's and the child's body. This minimises the risk of impact and damage.
- (f) Aim to keep the adult's back as straight and aligned (untwisted) as possible. We acknowledge that this is difficult, given that the children we work with are frequently smaller than us.
- (g) Beware in particular of head positioning, to avoid clashes of heads with the child.
- (h) Hold children by "long" bones, i.e. avoid grasping at joints where pain and damage are most likely. For example, colleagues should aim to hold on to the forearm or upper arm rather than the hand, elbow or shoulder.
- (i) Ensure that there is no restriction to the child's ability to breath. In particular, this means avoiding holding a child around the chest cavity or stomach.
- (j) Do all that they can to avoid lifting children.
- (k) Keep talking to the child (for example, "When you stop kicking me, I will release my hold") unless it is judged that continuing communication is likely to make the situation worse
- (l) Don't expect the child to apologise or show remorse in the heat of the moment.
- (m) Use as little restrictive force as is necessary in order to maintain safety and for as short a period of time as possible.

### **After an incident**

It is distressing to be involved in a restrictive physical intervention whether as the child being held, the person doing the holding, or someone observing or hearing about what has happened. All those involved in the incident should receive support to help them talk about what has happened and, where necessary, record their views.

Colleagues should inform the Headteacher as soon as possible after an incident of restrictive physical intervention. Parents/cares should also be informed. The physical intervention record/sheet should be completed as soon as possible and in any event within 24 hours of the incident. There should also be a review following the incident so that lessons can be learned to reduce the likelihood of recurrence in the future.