



# Lingfield Education Trust

## Trust Physical Intervention Policy

Policy Version Control	
Policy type	Academy Trust
Policy prepared by (name and designation)	Nick Blackburn CEO
Last review date	October 2016
Description of changes	Incorporation of the new Trust name throughout the document
Date of Board of Directors approval	November 2016
Date released	7 <sup>th</sup> February 2017
Next review date	Autumn 2017

## 1 **Introduction**

The Directors of Lingfield Education Trust recognise that Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable in certain circumstances, which will be clearly indicated in this policy. It is recognised that it is always unlawful to use force as a punishment.

- 1.1 Positive handling is the positive application of force with the intention of protecting the child from harming themselves or others or seriously damaging property. The proper use of positive handling requires skill and judgement, as well as knowledge of non-harmful methods of restraining.
- 1.2 Positive handling should only be used when all other strategies which do not employ force have been tried and found to be unsuccessful or in an emergency situation.
- 1.3 The staff in all of our schools recognise that the use of reasonable force is only one of the strategies available to secure pupil safety/well-being and also to maintain good order and discipline.
- 1.4 The physical intervention must only employ a reasonable amount of force – that is the minimum force needed to avert injury or damage to property, or to prevent a breakdown in discipline – applied for the shortest period of time.

## 2 **Aims:**

- 2.1 We aim to:
  - Protect every person in the Trust community from harm.
  - Protect all pupils against physical intervention which is unnecessary, inappropriate, excessive or harmful.
  - Provide adequate information and training for staff to ensure that they are clear as to what constitutes appropriate behaviour and to deal effectively with violent or potentially violent situations.
  - Use the minimum degree of force necessary to accomplish positive handling.
  - Give full support to staff who have been assaulted or have suffered verbal abuse from pupils or others.
  - Maintain accurate records of incidents where positive handling has been employed.
  - Involve parents in procedures as far as is reasonably possible.
- 2.2 Our policy on the use of reasonable force is part of our overall pastoral care procedures and closely related to our Trust Behaviour Policy and also to

Darlington's 'Guidance and Policy for the use of Restrictive Physical Intervention'.

### 3 Legal Framework:

3.1 A school's respect for the rights of the individual takes into consideration the context of The Human Rights Act (1998) and The United Nations Convention on the Rights of the Child (1991). The school's ethos and the guidance in this policy is based on the presumption that every adult and child is entitled to:

- Respect for his/her private life.
- The right not to be subjected to inhuman or degrading treatment.
- The right to liberty and security.
- The right not to be discriminated against in his/her enjoyment of those rights.

3.2 Section 93 of the Education Act 2006 and DFE 'The Use of Reasonable Force 2012' allows teachers, and other members of staff at a school who are authorised to use such force as is reasonable. There is no legal definition of reasonable force. The Criminal Law Act (1967) allows any person to use such force as is reasonable in the circumstances to prevent an offence (e.g. physical assault) being committed. Reasonable minimum force must be a matter of personal judgement. All school teachers have a professional 'duty of care' within their job description which is underwritten by paragraphs 58.7 of School Teacher's Pay and Conditions Document 2013. Together with the legislative framework this enables teachers and other members of staff in the school to use such force as is reasonable in the circumstances, to prevent a pupil from:

- Committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil):
- Causing personal injury to, or damage to the property of, any person (including the pupil himself) or
- 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.

3.3 Those exercising the power to use force must also take proper account of any particular special educational need (SEN) and/or disability that a pupil might have. Under the Disability Discrimination Act 1995) schools have two key duties:

- Not to treat a disabled pupil less favourably, for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification; and

- To take reasonable steps to avoid putting disabled pupils at a substantial disadvantage to pupils who are not disabled.
- 3.4 The staff to which the power to use reasonable minimum force applies is defined in section 95 of the Act. They are:
- Any teacher who works at the school, and
  - Any other person whom the Head of School/Headteacher/Executive Headteacher has authorised to have control or charge of pupils. This includes
    - i) support staff whose job normally includes supervising pupils such as teaching assistants,
    - ii) people to whom the Head of School/Headteacher/Executive Headteacher has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering premises-related staff) and unpaid volunteers (for example parents accompanying pupils on school-organised visits).
- 3.5 Staff must always follow 'Team Teach' training given:
1. Exhaust all de-escalation and conflict resolution techniques.
  2. Try to give the pupil clear warning. Ask / tell the student who is misbehaving to stop and state possible consequences of failure to do so.
  3. Still try to offer an alternative escape route from the situation by encouraging the pupil to calm down and talk things through. (This offer must stand all the way through the incident and must be repeated to the pupil).
  4. If possible summon another adult.
  5. Continue to communicate with the student; making it clear quietly yet clearly and firmly and before actually doing so, that you are likely to take physical control.
  6. Carefully consider choices for physical control; controlling the pupil in a standing or seated position. It is only possible to decide which of these options to take as one's experience, expertise and knowledge of the individual pupil grows, although inevitably they represent a gradual and graded increase in the extent of control used. Pupils must not be held on the floor in either the front or back ground recovery position (Prone or Supine). If a pupil takes themselves to the floor in this position, then staff should release holds completely until the pupil can be managed in a recognised 'Floor seated' RPI technique, with safety as paramount concern, or until a chair/sofa seated or standing position is available/suitable.
  7. Make it clear that restraint will be removed as soon as it ceases to be necessary.
  8. Once the situation is under control, safe and secure, counselling of the pupil should begin.
  9. Offer positive feedback as soon as possible.

- 10.** Once the situation begins to calm down, significant decreases in the grades of physical control should commence. However these should be on staff terms and not when demanded by the pupil. If he / she asks sensibly, calmly and politely staff must adhere to the request, however exercise caution. The overall aim is to (when the pupil is calm and ready to talk) discuss what provoked the whole episode, getting the pupil to examine the problem and its consequences. Staff need the pupil to realise that there was a more acceptable and appropriate way of dealing with the situation.
- 11.** The pupil should be asked if they are hurt and / or if they need medical treatment.
- 12.** The event should be discussed with all involved staff, so that positive feedback is given, and the potential for improved approach, teamwork and skills is achieved.
- 13.** Staff involved should be afforded supportive discussion, if required, as soon as possible.
- 14.** A serious incident report must be written with all involved staff and the pupil given the opportunity to record their own feelings and opinions. All reports must be dated and a log kept in a bound and numbered book.

#### Reporting of Incidents

All incidents of use of physical intervention will be recorded on the form found in the relevant school bound book and retained by the Head of School / Headteacher / Executive Headteacher. Parents will be contacted and a copy of the school incident form will be sent to them. All incidents will be followed up by the Head of School/Headteacher/Executive Headteacher. If it is deemed necessary a support plan will be put in place in consultation with parents, or other agencies may be involved.

**Review date:** Autumn 2017