
Accepted by: Board of Directors January 2011
Leadership Team Lead Reviewer: Assistant Head Teacher (Student Support)
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This policy must be read in conjunction with **Discipline (Personal development, behaviour and welfare) Policy**

The Latest DfE guidelines for behaviour and discipline in school is: Behaviour and Discipline in Schools (January 2016)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/488034/Behaviour_and_Discipline_in_Schools_-_A_guide_for_headteachers_and_School_Staff.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/899384/Checklist_for_school_leaders_on_behaviour_and_attendance.pdf

The latest DfE guidance on 'Use of reasonable force in schools' (July 2013 reviewed 2015)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf

The latest DfE guidance is 'Searching, Screening and Confiscation.' (January 2018)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674416/Searching_screening_and_confiscation.pdf

In November 2007 (* - see notes at the end of the document) the Department for Children, Schools and Families stated clearly for the first time that, '...no school should have a policy of no physical contact.'

We believe that there are circumstances in which physical contact is necessary in order to meet the emotional, safety and care needs of children. Research has

established that physical contact is important in developing relationships. The circumstances depend on the age, understanding and individual needs of the child. The paramount consideration is the welfare of the child. This policy is intended to safeguard the welfare of the child and protect staff by describing the circumstances in which physical contact may be necessary, and how we can act safely and preserve the pupil's dignity.

Hurworth School takes great pride in achieving excellence through care and the pastoral system is an integral part of the daily running of the school. All staff have a duty of care towards all pupils and our duty is to ensure that all pupils have access to a safe learning environment. This policy has been devised collectively by our staff to support and guide our understanding of when and what physical contact is appropriate, and how we can keep everyone safe when managing challenging behaviour. This policy should be read alongside our school discipline policy.

This policy aims to ensure that:

- The welfare of the child comes first and takes precedence
- We comfort children who are in need of comfort
- We care for children who cannot care for themselves
- We may touch children to demonstrate physical techniques
- We hold children to keep them and others safe
- We endeavour to maintain dignity for children and staff

Examples of circumstances in which physical contact may be necessary

- Prompting – a tap on the arm or a pat on the back. (Can include 'communicating physical presence' - drawing/diverting attention)
- Guiding – leading by the hand, arm or shoulder
- Supporting - assisting with or demonstrating moves in P.E., dance and drama, or teaching physical skills through guided action, such as handwriting (for pupils with Special educational Needs and disability (SEND))
- Reassuring/comforting – patting or placing hand on the shoulder/upper arm or back
- Providing intimate care and/or medical treatment – e.g. washing/changing, or contact appropriate as stated in child's Care Plan
- Providing minor first aid – cleaning cuts and grazes
- Disengaging from a pupil's dangerous, harmful or inappropriate physical contact
- Holding – to prevent a child from hurting somebody or themselves, breaking something, or getting into serious trouble

Staff have a duty and responsibility to keep children safe. Sometimes things happen quickly. In an emergency, providing staff act instinctively, reasonably and in good faith, prioritising the best interests of the pupil, they will be supported. If

there is time to think they should conduct a quick risk assessment and try to choose the best option for the child and others at risk (as below). Staff do not always need to make a physical intervention. They may decide to wait, call for help, move objects or remove other children from the situation. This is a professional judgement.

Staff have the legal power to stop a child from hurting people, damaging property, committing an offence or causing serious disruption (see below). Whenever force is used it should be the minimum necessary to achieve the desired result; i.e. in the circumstances it should be reasonable, proportionate and necessary. In almost every case a range of de-escalation strategies will be attempted before restrictive physical intervention is considered.

Safeguarding Children and Staff

- Whenever possible, when needing to guide or hold children, staff should aim to touch only the shoulders, elbows and arms.
- The clear rules about touching need to be explained to the children
- Touching should be carefully considered or avoided in situations that are private and in areas where there is no open access
- Whenever possible a second member of staff should be present

Physical Intervention

- Physical intervention can be regarded as any physical contact, however minimal, that is intended to redirect or stop someone from doing what they would otherwise have done. This would include communicating physical presence (drawing/diverting attention), prompting or supporting an action, or guiding/directing someone to move in a different direction, as well as Restrictive Physical Intervention (RPI), where a pupil's actions are more forcefully restricted to prevent movement or mobility, such as to prevent harm or risk to themselves or others
- Positive Handling refers to the whole range of de-escalation and management strategies, including where necessary, physical intervention

Objectives

- We manage challenging behaviour using a range of strategies informed by our collective understanding of behaviour and positive handling, including crisis escalation and the effects of our own actions
- Pupils are treated fairly, with courtesy and respect. We model good conduct at all times, and work for effective outcomes, not winners and losers
- Challenging behaviour is often the result of a breakdown in communication. We aim to understand what function a behaviour serves, and to facilitate the child learning more socially acceptable means of expressing their needs

- We aim to teach pupils to understand behaviour, and make positive choices to moderate and control their own behaviour. We never plan for mere containment, though circumstances may sometimes dictate it has to be our priority

Minimising risk and the need to use force

- Most escalating conflicts can be resolved without the need for physical intervention
- Establishing and maintaining good relationships with children is crucial to positive and effective behaviour management
- We use de-escalation strategies, including diversion, distraction, diffusion and negotiation to prevent violence and reduce the risk of injury to pupils and staff. (See staff responses below)
- Supporting each other as a team helps to keep pupils and staff safe. We consider seeking help as a professional strength, not a weakness

Incidents that might require the use of force - by authorised staff

- Teachers, and others employed or volunteering in a school, have the right in law to use such force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do, any of the following:
 - committing a criminal offence
 - injuring themselves or others
 - damaging property
 - prejudicing the maintenance of good order and discipline(at school or among any pupils under their supervision out of school, such as en route home or on outings)
- It must be shown that the situation could not be resolved safely without the use of force – i.e. it was **necessary** - and that the force used was **reasonable** and **proportionate** to the dangers/risks. A pupil may be physically restrained, or an adult may protect themselves, only to the extent of using the minimum degree of force that is needed in the circumstance to effect the restraint, and usually only ‘as a last resort’
- Anyone who is physically attacked has a right in common law to defend themselves. However, we expect staff to keep everyone safe, and use balanced judgment based on dynamic risk assessment in all situations. If it is possible, we should remove ourselves from the immediate vicinity, or from the attacker, without putting others at risk
- Pupils with SEND/Additional Educational Needs (AEN) have the right to be treated no less favourably than their peers, and staff have a legal duty to make reasonable adjustments to ensure they are

Reasonable Force

- There is no legal definition of what is 'reasonable', nor what is 'necessary' or 'proportionate'. A behaviour which may normally seem trivial could be more serious if the circumstances change – such as a child running in a crowded corridor. **“Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder. In a school, force is used for two main purposes – to control pupils or to restrain them” DFE**
- Staff need to use their knowledge of behaviour management, knowledge of the child (including any SEND needs), the agreed strategies detailed in the child's Risk Assessment / Care Plan (if there is one), and the current environmental constraints, to dynamically assess the risks, and select from a range of optional strategies. The risk assessment is 'dynamic' because circumstances continue to change and require continuous re-evaluation of all factors in order to maintain safety for all concerned
- We aim to use the least intrusive and least restrictive intervention - using the minimum reasonable force for the shortest time
- Physical interventions should not deliberately cause pain. Also, it is against the law to use Restrictive Physical Intervention as a form of punishment.

Deciding whether to use Reasonable Force

- We expect staff to use all available means to avoid physical intervention wherever possible. Verbal and non-verbal communication should be the first line of approach
- Physical interventions should only be used in conjunction with other strategies designed to help pupils learn alternative, more acceptable behaviours
- Every situation escalating towards a possible crisis requires dynamic risk assessment to decide on the safest course of action for all concerned (see 'Reasonable Force' above)
- Any physical intervention should be justifiable as in the best interest of the pupil. Even where physical intervention is legally permitted and seems appropriate, it may not be safe or *in the best interests of the pupil* or others; we may have to focus instead on removing others from harm or making the environment safer
- The use of any form of physical intervention potentially carries the risk of allegations of abuse against staff. However, staff are equally open to

accusation of a failure of 'Duty of Care' if a child / pupil suffers as a result of a refusal to intervene physically where it probably would have kept them safe

- Where a pupil has a sensory or physical disability, or a learning difficulty, particular care will be required to ensure that the pupil understands what is happening and to ensure that our actions are not discriminatory. In recording incidents, we should include any reasonable adjustments that were made in managing the child's behaviour
- We need to pause for 'thinking time', be confident in our reasoning for choosing to use physical intervention, and clearly communicate our positive intent wherever possible; in crisis management we are judged by what we feel, think, say, do and record. (See reporting and reporting below)

Avoiding Confrontation - staff responses to escalating aggression

- We should explore the interaction between environmental setting conditions and personal factors for each pupil who presents challenging behaviours, modifying conditions to reduce the likelihood of such behaviour
- We look for the earliest signs of possible crisis - distress, agitation, anxiety and building anger or aggression. We look for changes in behaviour, rather than just types of behaviour. We employ defusing, diversion and other de-escalating techniques continually throughout the interaction, including any physical intervention, until the pupil is calm

Do (whenever possible):

- Intervene early to avoid reaching crisis level
- Consider the age, maturity and ability of the pupil
- Remain calm and appear confident throughout. Maintain control of your own communication style and physical presence. (If you are not calm, seek help)
- Use open and positive body language, and do not break eye contact
- Get reasonably close (but not too close) and talk quietly. Sit down or get down to the pupil's level, if appropriate
- Avoid an audience
- Acknowledge the pupil's emotional state and state clearly the offer of your support
- Encourage talk, and be prepared to listen
- Allow time and space
- Restate clearly your reasonable expectations
- Offer choices
- Divert the focus, e.g. by humour (not sarcasm) or by suggesting a different activity

- When physical intervention becomes necessary, use the minimum force required to control the situation
- Apply Resistant Physical Intervention (RPI) for the minimum time possible, continuing to use de-escalation strategies, including verbal communication, to enable release as soon as possible
- Continue attempting to calm the pupil down, making it clear that restraint will cease when it appears safe to do so and the pupil is demonstrating calm and self-control
- Be prepared to lose face where necessary. If you think a change of staff may help defuse the aggression, ask someone else to take over
- Remember that no one person has all the answers; teamwork is the best approach, and helps keep everyone safe

Do Not (whenever possible):

- Appear angry or aggressive. Don't take angry comments personally
- Invade personal space. (Don't back the pupil into a corner - literally or metaphorically)
- Shout or try to 'volume match'. (This is likely to be ineffective in avoiding or de-escalating conflict – this is distinct from shouting to draw attention to stop a child doing something dangerous)
- Use personal comments
- Make promises you cannot keep
- Ask 'open' questions e.g. 'Why?' or 'Are you....?'
- Insist on 'getting your own way'
- Lock a pupil in a room or block their exit - unless in exceptional circumstances. (See 'Seclusion' below)
- Chase a pupil who runs/walks away, unless (exceptionally) the risk to which they will be exposed seems greater than the risks inherent in a pursuit
- Attempt physical intervention before adequate assistance is on hand, unless it is obviously essential to intervene
- Expect to manage all incidents successfully

These Examples Would NOT Be Regarded As Acceptable:

- Striking, slapping or kicking a pupil
- Pulling a pupil's hair or ear
- Squeezing or holding a pupil's neck
- Shaking a pupil
- Lifting a pupil off the ground to intimidate him/her
- Forcing a pupil's arm up behind his/her back
- Holding a pupil's face down on the ground

Please note – school cannot use force as a punishment – it is always unlawful to use force as a punishment.

NB When dealing with a distressed pupil who is attempting to leave the premises and may well put themselves at risk, best judgement and knowledge of pupil is invaluable. On such an occasion it would be seen to be best practice to alert the member of staff with whom the pupil has the closest relationship with.

Power to Search Pupils Without Consent

School staff can search a pupil for any item if the pupil agrees.

Head of School and staff authorised by them have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item. Prohibited items such as -

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco/cigarette papers/vaping paraphernalia
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence or to cause personal injury to, or damage to the property of, any person (including the pupil).
- Head of School and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for.

Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco/cigarette papers/vaping paraphernalia, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force cannot be used to search for items banned under the school rules.

During The Search

The person conducting the search may not require the pupil to remove any clothing other than outer clothing.

Outer clothing means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear – outer clothing includes hats/shoes/boots/gloves/scarves.

Possessions means any goods over which the pupil has or appears to have control – this includes desks/lockers & bags.

A pupil's possessions can only be searched in the presence of the pupil and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

After the Search

Schools' general power to discipline, as circumscribed by Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.

The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Where any article is reasonably suspected to be an offensive weapon, it must be passed to the police.

Confiscation

School staff can seize any prohibited item found as a result of a search. They can also seize any item, they consider harmful or detrimental to school discipline.

Screening

Schools can require pupils to undergo screening by a walk-through or hand-held metal detector (arch or Wand) even if they do not suspect them of having a weapon and without the consent of the pupils.

Schools' statutory power to make rules on pupil behaviour and their duty as an employer to manage the safety of staff, pupils and visitors enables them to impose a requirement that pupils undergo screening.

Any member of school staff can screen pupil.

If a pupil refuses to be screened, the school may refuse to have the pupil on the premises. Health & safety legalisation requires a school to be managed in a way which does not expose pupils or staff to risks to their health & safety and this would include making reasonable rules as a condition of admittance.

If a pupil fails to comply, and the school does not let the pupil in, the school has not excluded the pupil and the pupil's absence should be treated as unauthorised. The pupil should comply with the rules and attend.

Seclusion

It is against the law to lock a pupil alone (where no adult is present) in a room or bar their exit, except by presenting a physical barrier, other than in an emergency. As there is no clear legal definition of the term 'in an emergency', we as a staff team agree the first serious occurrence of the pupil's behaviour may constitute an emergency; any repetition would create a degree of predictability that should trigger the formulation of a Positive Handling Plan.

Removal from a room to a quiet area can be used to help de-escalate conflict, by isolating a pupil from a trigger or an audience, to re-focus attention, reducing stimulation and anxiety, but the rationale for using it needs to be clear and unambiguous, and at least two staff should ideally be involved.

This space can be used for 'Time out', pre-planned and written into a pupil's Risk Assessment where they exist.

Child Specific Risk Assessment

For some children and young people behaving in an obstructive, harmful or dangerous fashion is a regular response to certain situations. For any pupil assessed as being at greatest risk of needing restrictive physical interventions we construct a Child Specific Risk Assessment that clearly indicates strategies to manage potential incidents, this is created in consultation with the pupil and his/her parents/ carers.

A Child Specific Risk Assessment Should:

- bring together contributions from key partners working in partnership
- include potential risks; include risk assessments where necessary
- alert people to risks
- examine options for responding to these challenges including techniques for de-escalation
- advise against strategies which have been ineffective in the past
- include preferred strategies and suggest ideas for the future
- be agreed and signed by all parties involved, particularly the pupil and parent
- be communicated to all who work with the pupil
- be reviewed regularly

Where risks are known, staff will be deployed to ensure that they are available to respond to any incident which requires physical intervention. Staff will not normally be expected to work alone in isolated situations with pupils whose behaviour is such that the likelihood of confrontation is increased.

Post-Incident Support /Teaching

After an incident involving RPI, as soon as heightened emotions have reduced, the pupil and staff involved should be offered an appropriate de-briefing (listening and learning process). We need to consider appropriate recovery times for those involved and the possibility of the need for continuing support/counselling.

To enable the most effective learning process, we need to:

- listen actively (using positive listening skills)
- resist the temptations to interrupt, to 'fill silences' or to 'tell our own story'
- examine the emotions/feelings of the pupil and understanding of cause/effect rather than factual accuracy
- record the views of those involved, particularly the pupil, the level of understanding and learning achieved, and agreed future actions. (Attach this to the Serious Incident Report form)

After any incident a discussion should take place between all staff involved, reflecting on actions and effectiveness/outcomes. This discussion should be non-judgemental; the incident should be seen as a learning experience for the staff involved, which impacts on the practice, procedures and policy of the school. Concerns should be reported to senior managers for future training or policy development.

Reporting and Recording

All incidents of seriously challenging behaviour are to be promptly reported to senior management, then clearly and fully recorded using a Serious Incident Report form. (Appendix 1)

The Serious Incident Report form should:

- be submitted to the Head of School (keep a copy), for monitoring/signing
- include full details of the incident (including precursors and strategies used - non-physical and physical)
- include a description of the pupil's views and the debrief (if able/willing to give)
- record communication with parents/carers and others
- record offering of medical examination (or alternative decision if appropriate)
- Inform positive handling plans (PHPs).

A full account of the incident (and actions taken and follow-up) will be provided to the pupil's parents/carers at the earliest opportunity, if possible before the pupil leaves the school. In the first instance telephone, then follow up with a letter, offering or possibly asking for a personal meeting.

When writing up serious incidents staff should be clear about the reason physical contact was necessary. A typical account should attempt to answer the following questions:

- a) When you made a risk assessment** what were you thinking about?
- b) How was this in the best interests of the child concerned?
- c) Why did you think you could accomplish it safely?
- d) What did you expect to happen?
- e) What actually happened?

Monitoring Incidents/Reviewing Procedures

- The Head of School and Assistant Head Teacher (Student Support) will monitor and evaluate all Serious Incident Report Records, along with the impact of any training in physical intervention techniques. He/she will analyse the data and report the patterns of incidents involving the use of physical intervention to the Board of Directors as appropriate
- Incidents are reviewed and an Interim Report is published internally within school

Training

- Staff that require additional training in methods of acceptable Physical Intervention can identify themselves through the schools appraisal and continuous professional development system. Any such training will be at agreed to at the discretion of the Head of School
- The teaching staff have received de-escalation training in November 2018. In 2020/21 staff who show an interest in physical de-escalation training will have the opportunity to further their skills

ASSOCIATED RESOURCES

Appendix 1 – Serious incident report recording form

See next page



Serious Incident Record

Serious Incident Record				No:
Name of Young Person:				
Location of Incident:			Date:	
Full Names of Staff Involved:				
Start Time of Serious Incident:	Duration of Any Restraint:	Any Injuries:	Medical Check:	Incident Reviewed with Young Person:
<input type="checkbox"/> Hrs <input type="checkbox"/> Mins	<input type="checkbox"/> Mins	Child <input type="checkbox"/> Other <input type="checkbox"/>	Offered <input type="checkbox"/> Accepted <input type="checkbox"/>	Offered <input type="checkbox"/> Accepted <input type="checkbox"/>
Nature of Risk		External Agencies Informed		Supporting Records Completed
Injury To Person <input type="checkbox"/>		Medical Staff <input type="checkbox"/>		Board Book <input type="checkbox"/>
Damage To Property <input type="checkbox"/>		Parent/Guardian <input type="checkbox"/>		Accident Report <input type="checkbox"/>
Criminal Offence <input type="checkbox"/>		Social Worker <input type="checkbox"/>		Medical Report <input type="checkbox"/>
Serious Disruption <input type="checkbox"/>		Placing Authority <input type="checkbox"/>		RIDDOR <input type="checkbox"/>
Absconding <input type="checkbox"/>		Police <input type="checkbox"/>		Formal Statement <input type="checkbox"/>
Environments and Triggers:				
Describe what was happening and what led up to a dangerous situation:				
Circle the level of potential risk.				
<input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High				
Circle and/or describe precisely what the risk was.				
<input type="checkbox"/> Verbal abuse <input type="checkbox"/> Slap <input type="checkbox"/> Punch <input type="checkbox"/> Bite <input type="checkbox"/> Pinch <input type="checkbox"/> Spit <input type="checkbox"/> Kick <input type="checkbox"/> Hair grab <input type="checkbox"/> Neck grab <input type="checkbox"/> Clothing grab <input type="checkbox"/> Body holds <input type="checkbox"/> Arm grab <input type="checkbox"/> Weapons / Missiles				
Other				
Who was at risk?				
Controlling Risk				
Describe any changes to you made to routines, personnel or the environment in an attempt to reduce the risk of this happening				

DIVERSION, DISTRACTIONS AND DEESCALATION ATTEMPTED

- Verbal advice and support
- Firm clear directions
- Negotiation
- Limited Choices
- Distraction
- Diversion
- Reassurance
- Planned Ignoring
- Contingent Touch
- C.A.L.M talking / Stance
- Take up Tone
- Withdrawal Offered
- Withdrawal Directed
- Transfer Adult
- Reminders about Consequences
- Humour
- Success Reminders

Other:

PHYSICAL INTERVENTION STRATEGIES ATTEMPTED

- Help Hug
- Cradle Hug
- Wrap
- Sitting Wrap
- Double Elbow
- Half Shield
- Sitting Double Elbow (Single person)
- Single Elbow (Two person)
- Sitting Single Elbow (Two person)
- Figure of Four (Two person)

Other:

Signed:

Dated:

What happened and why did you think this action was in the best interests of the child?

Post incident Listening and Learning:

Signed by Staff:

Serious Incident Log

Name Of Student Involved	Name of Staff Involved	Incident Number	Date	Brief Comment