



Oakfield School

Physical Intervention Policy

Reviewed
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To be reviewed
April 2015

School Context.

A 35 place residential provision for Oakfield Special School was opened to students on 7th January 2013. Its purpose is to support identified students within the Oakfield cohort that require additional support of a 24 hour curriculum to enable them to engage in learning, achieve and attain. The provision consists of 6 houses. This offers flexibility to meet the needs of different cohorts of students.

As a central part of the school all school policies apply within the residential provision and have been thus amended to take into account the provision. All residential policies have been written specifically for the new school and tie in with the existing policies and ethos of the school.

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1. Vision.

At Oakfield, we believe it is every pupil's right to expect excellent teaching of an enriched and engaging curriculum, in a safe learning environment, which will enable them to reach their full potential so that they become prepared for adult life.

We believe that education is about acquiring good personal and thinking skills, developing communication and ICT skills; it is about becoming creative and reflective.

We believe that education is also about developing self-confidence, maturing socially and emotionally and becoming independent, able to make sound lifestyle choices based on enquiry and reasoning.

All our pupils will be treated fairly and with respect.

We believe we should set challenging targets for both staff and pupils, building on strengths and striving for improvements.

To promote high standards in lessons and behaviour, we will have effective systems for reviewing and developing our practice as part of our self evaluation and quality assurance programme.

2. Introduction

This policy should be read in conjunction with our Behavioural Policy. The use of force in Oakfield School is very rare and exceptional. However the following points should be noted.

- Reasonable force can be used in the following circumstances:
 - where a criminal offence is being committed;
 - where pupils may injure themselves or others;
 - where the behaviour is prejudicial to maintaining good order and discipline at the school or among the pupils;
 - when the action occurs on the school premises or during an authorised activity off the premises;
 - in self defence, where risk of injury is imminent.
- The Headteacher authorises all teachers who are **Teamteach trained** in the school to use reasonable force to restrain pupils.
- Others authorised by the Headteacher include teaching assistants who have received Teamteach training. Authorisation is given to

other adults who would come into day-to-day contact with pupils and where the reasonable forces used to control or restrain a pupil meets the circumstances outlined above.

- There is no legal definition of **reasonable force**, but three criteria are established:
 - **if the circumstances of the particular incident warrant it;**
 - **the degree of force must be in proportion to the circumstances;**
 - **the age, understanding and sex of the pupil.**

Minimum force should only be used and never as a punishment.

Force should not be used to prevent trivial misbehaviour.

- Physical intervention can take a number of forms, for example:
 - physical interposing between pupils;
 - standing in the way of a pupil;
 - holding, pushing or pulling;
 - leading a pupil away from an incident by the hand or by gentle pressure on the centre of the back.
- In extreme cases, more restrictive holds might be used.
- Force that should **NOT** be used includes:
 - **holding round the neck or any other hold that might restrict breathing;**
 - **kicking, slapping or punching;**
 - **forcing limbs against joints (e.g. arm locks);**
 - **tripping or holding by the hair or ear;**
 - **holding face down on the ground.**
- All incidents when restraint is used must be recorded as soon as possible. The Oakfield School Incident Form following information (as a minimum) should be detailed on an incident sheet or book together with written statements of witnesses:
 - name of pupils involved;
 - the time of the incident;
 - the place where the incident occurred;
 - the names of staff or other authorised adults involved.
 - The Team Teach hold that has been used in the restraint.

Where the incident has been prolonged or where considerable force has been used the following details should also be recorded:

- names of all witnesses, pupils and adults;
- signed witness statements;
- the reason for force being used;
- a description of the way in which the incident developed;
- the pupil's response;
- details of the outcomes of the incident including injuries and damage.

Staff should avoid, except in extreme emergencies, from acting in a way that is likely to injure a child.

Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

Staff are advised that, as far as possible, they should not use force unless or until another responsible adult is present to support, observe or call for assistance.

- A general complaints procedure is to be made available for parents. This should be used where parents believe inappropriate intervention has been used. To avoid misunderstanding this policy should be made clear to parents by the link worker at the time of entry to this school.
- Colleagues should be aware that this policy does not allow restraint to be used as a disciplinary action or as punishment. Each and every incident where restraint is used will have to be examined on its merits. Staff and other authorised people should be extremely cautious about using restraint and must be aware of the school policy on discipline. Everyone has the right to defend themselves against attack provided that they do not use a disproportionate degree of force to do so.

3. Good practice

Recommended review and monitoring practice

Following the detailed recording of a serious incident, good practice dictates that the Headteacher, Assistant Headteacher, senior teacher should:

- read all account of the incident;
- interview all staff (both teaching and support) and pupils who witness the incident;
- discuss the incident with the pupil or pupils who were directly involved. It is important that pupils be provided with the opportunity of giving their own version of events, particularly in cases of divergent opinion or fact, and they should be encouraged, if necessary helped, to prepare a written statement;
- ensure that parents and/or guardians or other persons with parental responsibility (such as social workers) have been informed of all relevant facts;
- ensure that the LA and the Chair of Governing Body have had the incident drawn to their attention;
- ensure that all concerned are aware of their rights of complaint;
- review school policies and consider if they sense the best interest of all parties and whether alternative policies or change to the existing policy need to be considered.

Following an incident involving physical intervention or restraint by a member of staff involving a pupil, it is important to monitor effects of the incident on the pupil as well as on the member of staff.

Cases of pupils with special needs, or who provoke confrontation as a means of seeking attention, or who are testing the boundaries of a school's disciplinary policies, may require referral to, or consultation with specialist agencies.

Other persons involved may also require, time out or post trauma counselling and their reactions should be monitored as a matter of routine. Specialist help should be sought wherever possible.

4. Physical Contact with pupils in other circumstance.

There may be occasions when physical contact with a pupil may be proper or necessary, e.g., sports, coaching or giving first aid. Touching may also be appropriate where a pupil is being congratulated or praised, or where a pupil is in distress and needs comforting. Teachers must use their own professional judgement when they feel a pupil needs this kind of support. For some pupils touching is particularly unwelcome. Staff must bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

5. Incident Reporting System.

Any incident in which force has been used should be recorded using the School Incident Management System. All incident reports are written using an online performer, requiring secure individual log in details. This incident report is then forwarded to all parties involved in order to allow witnesses and involved staff to make comments on the report. This report is then checked by the Senior Teacher notified and finalized by the Head or Assistant Head.

Pupils involved in the incident will also be given the opportunity to read and comment on the report, either by the reporting member of staff, their Keyworker or as part of their Back to School meeting.

6. Post-incident Support.

- The school will decide and involve as appropriate any multi-agency partners e.g. Educational Psychologist.
- The schools behaviour policy will be used as appropriate to hold pupils to account when they are involved in such incidents.
- Opportunity to repair relationships between staff and pupils affected by the incident will be offered.
- In some cases the incident may lead to the fixed term or permanent exclusion of the pupil in line with the policy.

7. Complaints or allegations.

- Any complaints will be dealt with under the school's complaints procedure, outlines below.
- If a parent makes a specific allegation of abuse against a member of staff the school will follow the Child Protection Policy – Allegations against staff.

In the case of any complaints the school policy and the degree to which it has been followed will be of paramount importance.

8. Staff Training.

All staff will be trained in Team Teach – Level 1 and have refresher course at regular intervals.

9. Complaints procedures.

After an incident in a school, there is always the possibility of formal complaint. A number of persons might feel aggrieved by the incident, whether they be pupils, parents, teachers, other employees, or even visitors to the school and members of the public. Any of these persons can lodge a complaint and expect it to be investigated diligently and fairly. As a precursor to such a possibility, heads should be aware of the need to review and monitor the reactions of all parties involved in an incident, and to consider the effects on current school policies, and have a total awareness and understanding of all aspects of the case.

Receiving and Noting a Complaint

Members should note that new legislation will include the requirement for governing bodies to have a general complaints procedure.

Complaints Procedure.

The general complaints procedure adopted by the governing body should always be followed – it should include the following elements:

I. Pupil

A pupil wishing to complain should be treated courteously and without prejudice and be requested to write the complaint in his or her own words. In the event that the pupil has difficulty with writing, or cannot write fluently, or where English is not the first language, a member of staff not involved in the incident should record the complaint, verify and read through with the pupil, and ask the pupil to sign and date the report where possible.

II. Parent

If a complaint is received from a parent or guardian which alleges some form of pupil abuse or injury, whether inflicted during the restraining of a pupil or not, the head or designated person must record the complaint in writing, if the parent has not already done so. This recorded information must include where and when the incident occurred, and include as much detail of the alleged injuries or abuse as possible. At this point, it is important that the head confirms to the complainant that a full and detailed investigation will be conducted immediately.

III. Staff

If a complaint is received from a member of staff who has been verbally or physically assaulted, there is a sequence of prescribed actions that the head should undertake.

These are:

- Offer immediately support and help to the member of staff to deal with any trauma and re-establish confidence;
- Offer medical support if any physical injury has been sustained and recommend a visit to the doctor as soon as possible;
- Report the incident to the LA and in other school to the Chair of Governors;
- Compile a list of witnesses, conduct interviews and collect statements;
- Provide the member of staff with a copy of the incident report and notes on any subsequent interviews and statement of witnesses;
- Where appropriate, inform the Police;
- Advise the member of staff to contact their union or professional association immediately before responding to any aspect of the complaint.

Conducting and Concluding an Investigation

In conducting an investigation the head will delegate an appointed investigator, usually the Assistant Head who will ensure that all appropriate evidence is considered.

If, having examined all facts, the head is satisfied that the course of action taken during the incident complied with the school's policies as approved by the governing body, and the Local Authority guidelines and directives, and that in the circumstances there was no other reasonable course of action available, or no case to answer, then the following procedures will conclude the matter:

- Notify the complainant of the outcome of the investigation;
- Notify the pupil's parents or guardians or responsible person or agency of the outcome of the investigation. (It is not a requirement to reveal the detail);
- Notify the local Education Authority (where appropriate) and Chair of Governing Body;

- Record the outcome of the investigation, sign the record of the incident, ensuring a copy is placed on the appropriate file.

Subsequent to this conclusion, consideration may need to be given to the possibility of disciplinary action against the member of staff or pupil. This will be pursued in accordance with approved school policies on discipline and behaviour.

10. Cases Requiring Further Action

If a head concludes, after investigation, that a complaint has substance, then further action will be required. Depending on the nature of the complaint, and the person to whom it is directed, one or more of the following courses of action may become necessary.

- **NB Local Child Protection procedures will dictate when complaints should be referred. Heads must be familiar with such procedures and closely follow directions. Members are recommended to refer to two documents published by the Council of Local Education Authorities (CLEA) in conjunction with the six teacher unions, 1. "Teacher Facing an Allegation of Physical / Sexual Abuse – Guidelines on Practice and Procedure" (June 1994) and 2. "Headteachers Facing an Allegation of Physical / Sexual Abuse – Guidelines on Practice and Procedure" (August 1996).**
- In a case of complaint from a pupil, the incident may require to be further investigated under the Child Protection procedures appertaining to the school. Parents or guardians must be immediately informed in writing if this is the outcome.
- In a case requiring disciplinary proceedings against a member of staff, the governing body, and the Local Authority in LEA schools (members should also seek advice from their professional association) will need to be informed and all statutory employment legislation and agreed procedures followed. Members must make themselves aware of the requirements of the Child Protection procedure and act accordingly.
- In the case of a complaint by a member of staff, ensure appropriate action is taken against the pupil or member of staff if the complaint is found to have substance.

11. Right of Appeal

A parent or guardian will have been informed in writing of the outcome of any investigation. Further action, whether it be of a disciplinary nature or referral for further investigation under the Child Protection procedures, will have been communicated.

The right for a member of staff to appeal will be through the grievance procedure. The parent or guardian's Right to Appeal must be an integral part of the complaints' procedure. In these circumstances, the parent / guardian should be given access to the following information:

- Copies of relevant approved and adopted policies and procedures of the school and the Local Authority on discipline, care and control, and behaviour management;
- Copies of all recorded documentation appertaining to the incident which has been investigated and determined.

12. Legal requirements

It is extremely important that the relationship between the pupil and adult is set on a firm professional basis which leaves no room for the misinterpretation of any act or instruction. Staff dealing with pupils and young adults should not place themselves in any situation which does not comply with school or college policy. Every school or college should have a care and control policy that is reviewed on a regular basis by the governing body. It should incorporate the following criteria:

- Child protection procedures against abuse and assault;
- Discipline and restraint procedures, including any policy for positive reinforcement;
- Staff protection procedures;
- Staff induction and training;

The Children Act 1989

The Children Act 1989 placed a duty of care on all Local Authorities and governing bodies of Grant maintained and independent schools to consider the pupil's needs as a priority in all their dealings with pupils and families. (This will apply equally to the new categorise of schools established under the Standards and Framework Act 1998.)

For teaching staff, the 'Duty of Care' is set out in the School Teachers ' Pay and Conditions Document:

"Teachers are required to maintain good order among the pupils to safeguard their health and safety, both when they are authorised to be on school premises and when they are engaged in authorised school activities elsewhere."

13. In Loco Parentis

Linked to the 'Duty of Care' teachers also have a duty to act in Loco Parentis in the manner of caring and reasonable parents. This applies to all pupils in their charge at any time.

14. Corporal Punishment

Corporal punishment means the intentional application of force as punishment. This includes not only the use of the cane or implement, but also other forms of physical chastisement intended as punishment (such as slapping, punching, pushing, prodding, throwing missiles and any other such forms of rough handling).

Section 548 of the Education Act 1996 has the effect of abolishing corporal punishment for all pupils in maintained school or publicly funded pupils in independent schools.

Types of incidents

There are a wide variety of situations in which reasonable force might be appropriate, or necessary, to control or restrain a pupil. They will fall into three broad categories:

- (a) Where action is necessary in self-defence or because there is an imminent risk of injury;
- (b) Where there is a developing risk of injury, or significant damage to property;
- (c) Where a pupil is behaving in a way that is compromising good order and discipline.

Examples of situations that fall within one of the first two categories are:

- A pupil attacks a member of staff, 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 accident, 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 have or cause an accident likely to injure him or herself or others;
- A pupil attempts to abscond from a class or tries to leave who would be at risk out of the classroom or school.

Examples of situations that fall into the third category are:

- A pupil persistently refuses to obey an order to leave a classroom;
- A pupil is behaving in a way that is seriously disrupting a lesson.

15. Positive Handling Plans

At the six week review, each child will have a Positive Handling Plan (PHP) formulated for them by their keyworker or other appropriate staff. The PHP is a guidance document for staff to share information about the best strategies for de-escalation of behaviour with each individual. It is designed for sharing experience and advice, not as a prescriptive set of measures that must be adhered to (where prescriptive measures are necessary, they will be detailed on an Individual Risk Assessment). Staffs are advised to make their own judgement based on the individual situation, risk involved and appropriate action at the time, bearing in mind the information on the PHP. The purpose of the PHP is to ensure that staff are well informed to make these judgements.

Information on the PHP includes: Triggers, Topography of behaviour, Possible displayed behaviours, preferred supportive intervention strategies, recommended de-escalation strategies, Team Teach Methods, Medical issues, Debriefing process and Evaluation.

All PHPs will be checked and signed off as appropriate by the Lead Behaviour Manager – Leanne Middleton and the Team Teach Co-ordinator – Sarah Cockerline. Parents/Carers will also be given the opportunity to read the PHP.

These plans are undertaken under the advice of Team Teach and in accordance with Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behaviour Difficulties (September 2003).

16. Monitoring and Review.

This policy will be monitored and reviewed annually.