

## Physical Intervention Policy - (Use of Reasonable Force)

### Objectives

Here at Ash Lea School we aim to provide a safe, caring and friendly environment for all our pupils to allow them to learn effectively, improve their life chances and help them maximise their potential. We take the safety of our pupils and staff very seriously. We believe that all pupils and staff have the right to be and feel safe whilst at school or on a school-run activity. This policy should be read in conjunction with our behaviour, discipline, child protection (and the broader safeguarding agenda) policies.

### Policy Development

This policy was formulated in consultation with the whole school community with input, where possible, from members of staff, governors, parents/carers, children and young people, and other partners. This policy is also written in line with all recent guidance and legislation relating to the use of reasonable force in schools.

### Minimising the Need to Use Reasonable Force

As a school we are firmly committed to creating a calm and safe environment which minimises the risk of incidents arising that might require the use of reasonable force. We use a curriculum which endeavours to explore and strengthen emotional responses to situations. We will only use force as a last resort and strongly believe in de-escalating any incidents as they arise to prevent them from reaching a crisis point. Staff will be skilled in promoting and rewarding positive behaviour and will utilise various appropriate techniques in the management of a class environment.

Staff will only use reasonable force when the risks involved in doing so are outweighed by the risks involved by **not** using force.

### Staff Authorised to Use Reasonable Force

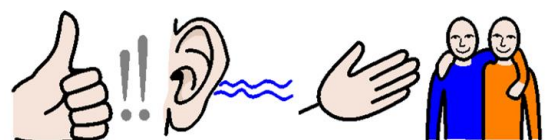
Under Section 93 of the Education and Inspection Act (2006) and subsequent guidance published by the DfE in January 2022 entitled 'Behaviour in Schools – Advice for headteachers and school staff' the head teacher of our school is empowered to authorise those members of his/her staff to use reasonable force.

Here at Ash Lea School the head teacher has empowered the following members of staff to use reasonable force:

- Teachers and any member of staff who has control or charge of pupils in a given lesson or circumstance have permanent authorisation.
- Other members of staff such as site management and administrative teams also have the power to use reasonable force if a circumstance should arise in which immediate action should be taken.

### Deciding Whether to Use Reasonable Force

Under English law, members of staff are empowered to use reasonable force to prevent a pupil from or stop them continuing:



- committing any offence;
- 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.

All members of staff will make decisions about when, how and why to use reasonable force. To help staff in making decisions about using reasonable force the following considerations may be useful:

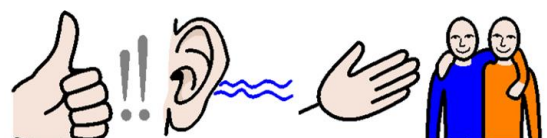
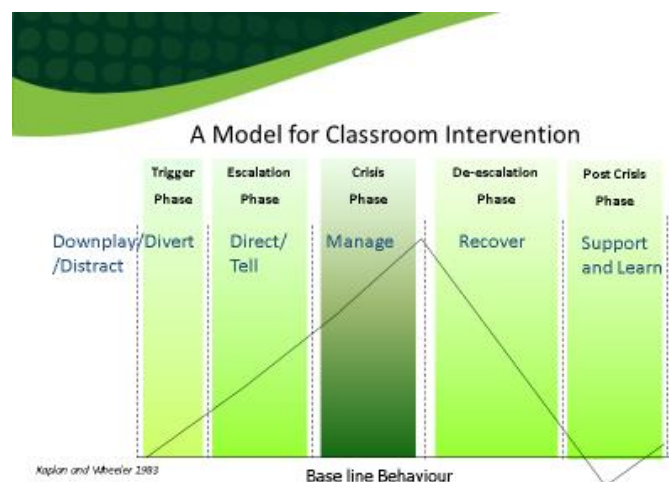
- whether the consequences of not intervening would have seriously endangered the wellbeing of a person;
- whether the consequences of not intervening would have caused serious and significant damage to property;
- whether the chance of achieving the desired outcome in a nonphysical way was low;
- the age, size, gender, developmental maturity of the persons involved.

Staff are also expected to remember that physical intervention is only one option and for behaviours involving extreme levels of risk it may be more appropriate to gain support from other agencies, including the police.

Staff will be kept informed and have a duty to inform others about the plans around specific pupils who can present risks to themselves and others. This may include information about SEN, personal circumstance and temporary upset. Where appropriate, any possible foreseeable need to use CRB with an individual should be part of their behaviour support plan.

### Using Reasonable Force

When using force members of staff should only use the minimum amount of force required in achieving the required outcome. Staff should also use force within the context of existing good practice in nonphysical skills and techniques, such as in model for classroom practice outlined below:



As a school we believe that eliminating inappropriate use of restraint, and minimising its use, calls for settings and services to have a positive and proactive approach to behaviour.

Staff should, where possible, avoid any type of intervention that is likely to injure a pupil, unless in the most extreme of circumstance where there was no viable alternative. Also staff should try to avoid using force unless or until another member of staff is present to support, observe or call for assistance.

### Staff training

Staff at Ash Lea School, who have been identified as needing training in this area, will access Physical Intervention training, known as CRB training (Coping with Risky Behaviours) through the County Council co-ordinator who delivers certified courses.

These courses provide participants with an insight into recent legislation and guidance that could impact on policy and practice, as well as a range of non-physical and physical strategies to help manage the risks posed by children and young people's behaviour.

These training programmes will be delivered to staff by Lucie Dale or other approved trainers from East Midlands Education Support Service.

Staff who receive this training will be accredited to use the physical elements of CRB for a defined period as stated on their certificate. Staff will be expected to attend a refresher course to update their skills and renew their certification every 12-15 months.

At Ash Lea School Lucie Dale is trained to deliver CRB training and is available to all staff to consult on the use of physical intervention.

### Recording and Reporting Incidents

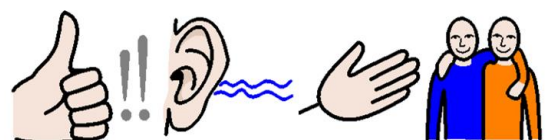
The governing body will ensure that a procedure is in place, and is followed by staff, for recording and reporting, significant incidents where a member of staff has used reasonable force on a pupil, in line with the most recent Safeguarding requirements issued to Governors and the latest advice given to OFSTED inspectors.

The record must be made using Behaviour Watch as soon as practicable after the incident. While ultimately only a court of law could decide what is 'significant' in a particular case, in deciding whether an incident must be reported, staff should take into account:

- the use of a restraint technique is significant;
- an incident where a child was very distressed (though clearly not overreacting) would be significant.

In determining whether incidents are significant, schools should consider:

- the pupil's behaviour and the level of risk presented at the time;
- the degree of force used and whether it was proportionate in relation to the behaviour;
- the effect on the pupil or member of staff.



Staff should also bear in mind the age of the child, any special education need or disability or other social factors which might be relevant. Sometimes an incident might not be considered significant in itself, but forms part of a pattern of repeated behaviour. In this case, although there is no legal requirement to record such incidents, schools are advised to let parents know about them.

Records are important in providing evidence of defensible decision-making in case of a subsequent complaint or investigation. Staff may find it helpful to seek the advice of a senior colleague or a representative of their trade union when compiling a report.

Ash Lea School will use the Nottinghamshire County Council electronic health and safety recording system 'Well-Worker'. This system enables members of staff to report, using a standardised format, any significant incident where force has been used, or any incident where violence to staff has occurred or been threatened. Staff can access well worker via Schools Portal.

### Post-incident support

Following the use of physical intervention staff and pupils will be supported, the immediate physical needs of all parties will be met and staff will ensure that positive relationships are maintained.

### Complaints and allegations

*'It is our policy to respond to concerns and complaints raised in a fair and consistent manner. We will always, therefore, clarify the nature of the complaint; establish what has happened to give rise to the complaint; contact and if necessary meet with the parties involved; seek a fair and acceptable solution which is made known to all parties concerned; complete the process within a reasonable timescale depending on the nature of the complaint; keep a record of the complaint, our response and its outcome.'*

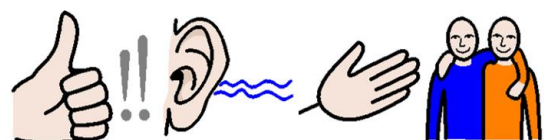
We will also make clear to pupils that they have a right, and are able, to question/complain about the use of reasonable force. We will ensure that mechanisms are in place for pupils, parents, carers and staff to voice the opinions, comments or concerns.

Pupils: via a trusted member of staff. Where the pupil is verbal this is more easily facilitated. Where the pupil is non-verbal, signs and symbols could be used with a member of staff acting as advocate.

Parents, carers and staff: via the established complaints procedure.

Complaints and allegations will be taken seriously and investigated thoroughly. A copy of the Complaints policy can be found on the staff server and in the policy box in the staffroom as well as on the school web site.

### Monitoring and review



This policy will be monitored regularly and reviewed by the governing body at least annually or as required. This policy is due to be reviewed in **March 2025**.

The Head Teacher is responsible for the implementation of this policy. The Lead for Behaviour is Luke Skillington, with the additional support of Lucie Dale.

#### Further information

This can be found in the Nottinghamshire County Council's policy on the same subject, entitled 'Keeping Classrooms Safe for Learning and Teaching', the revised guidance on the use of Physical intervention 2018 and Positive environments where children can flourish'. (Ofsted March 2018)

Last Reviewed: March 2023

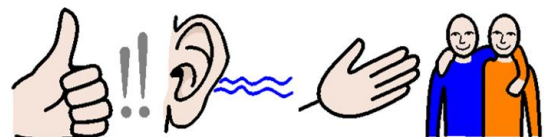
Next review: March 2025

Signed: *Luke Skillington*

Date: 09.05.23

**Appendix 1.**

## **Protocol for the use of Safe Spaces**



## Description & purpose

A safe space within Ash Lea School is an area which provides a safe and pleasant withdrawal area or retreat. Safe spaces are available both inside and outside and form part of the school's specific provision where they are used for a number of purposes:-

- As a quiet, distraction free 1:1 or 1:2 working area, with varying degrees of privacy, by having the doors open or closed.
- As a withdrawal or retreat which pupils may choose or be offered by an adult until they are no longer in a heightened state of anxiety and are ready to re-join the class.

## Limitations to use.

- The use of safe space will be identified in a pupil's behaviour management plan, which will be shared with parents and relevant outside agencies.
- The safe space may be used as part of a de-escalation strategy as detailed in pupil's individual behaviour support plan.
- Pupils may be offered and encouraged to use the safe space when they are showing signs which may precede an emotional outburst.
- Some pupils will be encouraged to use the safe space as a "chill out" area when they become dysregulated.
- Whenever a pupil is in the safe space, a member of staff **must** monitor them. Staff should be able to see the student at all times and the student should be able to indicate when they wish to leave the space. This should be noted in the behaviour watch report what the student was doing their time in the safe space.
- Use of a safe space must not be seen as punishment or sanction for non-compliance.
- Use of a safe space by any pupil should be recorded in line with the school's usual reporting procedure for behaviour-related incidents.

Ash Lea School has agreed that the following areas may be used as safe spaces.

- 2 designated blue spaces
- Other areas may become a safe space when needed in an emergency e.g. classroom pod or outside areas. Any area used as a 'safe space' must be recorded on Behaviour Watch and if pre-planned must be identified on the pupil's behaviour support plan.

