



## Physical Intervention Policy

Tees Valley Education Trust

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## **1 RATIONALE**

At Tees Valley Education, we are committed to effective, positive behaviour policies (see behaviour policies) which encourage children to make positive behaviour choices and enable staff to keep themselves, others and academy property safe. On rare occasions, circumstances may result in a situation that requires some form of physical intervention by staff. Our policy for physical intervention is based upon the following principles:

- Physical intervention should be used only as a last resort when it is deemed proportionate, reasonable (no more force than needed) and necessary to ensure the safety of, the educational rights of and the property of those within our academy.
- Physical intervention must be used in ways that maintain the safety and dignity (where possible) of all concerned.
- Incidents must be recorded and reported as soon as possible.
- Parents/guardians and carers will be informed of each incident.

## **2 PURPOSE**

This policy:

- Gives clear structures and guidelines to all staff regarding all areas of physical intervention.
- Clearly defines the responsibilities of all staff.
- Enables staff to see where their responsibilities begin and end.
- Ensures the safe use of physical intervention in the academy.
- Ensures all physical intervention is in line with the current legal framework.
- Allows staff to understand their rights and the rights of all stakeholders.

## **3 GUIDELINES**

New staff to the academy are given a copy of this policy when they are appointed. This policy is regularly reviewed and updated.

As part of the induction process, new staff will be trained as soon as possible in physical intervention techniques and the legal framework behind this. However, all members of academy staff have a legal power to use physical intervention if it is deemed proportionate, reasonable and necessary.

Academy staff have a legal power to use force and lawful power will provide a defence to any related criminal prosecution or other legal action.

Academies do not require parental permission to use physical restraint on a child but they should be informed after an incident has occurred. A written plan with parental consent should be completed following an initial incident.

Academy staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the child.

Staff should be aware of those children with pre-existing medical issues such as asthma and consider this before any physical intervention is used. Your own safety and the safety of others is paramount, it is the

responsibility of staff to ensure they do not place themselves in unnecessary danger (pregnancy, disability, illness and injury) however you must ensure the safety of those around you.

As supported by the criminal law act 1967 physical restraint and force which is deemed reasonable, proportionate and necessary may be used upon any persons acting unlawfully and in a way which poses a threat to members of the academy and its property.

Once the child has been collected by parents our involvement ends, any incident occurring at this point would become a police matter.

These guidelines apply to children who are either onsite or offsite on an educational trip, visit or event as long as the staff are acting in loco-parentis.

#### **4 WHEN CAN PHYSICAL INTERVENTION BE USED IN SCHOOL?**

Physical intervention can be used in schools to:

- Remove disruptive children from the classroom where they have refused to follow an instruction to do so.
- Prevent a pupil behaving in a way that disrupts a school event, trip or visit (either onsite or offsite).
- Prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others.
- Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground.
- To restrain a pupil at risk of harming themselves through physical outbursts.

#### **5 PHYSICAL INTERVENTION IN SCHOOL**

Each academy has a number of staff who are 'Physical Intervention Trainers' and have completed the NFPS Ltd approved Physical Intervention Trainer Course - L3 Advanced (3 days course).

In addition, all staff will be trained in physical intervention techniques and the basic legal framework behind this.

Within each academy the main duties of staff are:

- to ensure the safety of all persons within the academy;
- to ensure the educational rights of all pupils;
- to protect property within the academy from unlawful destruction and damage.

#### **6 PHYSICAL INTERVENTION INCIDENT FORMS**

Incident forms are located in the academy office. All physical intervention incidents involving children or adults must be recorded on the incident form. These should be kept in the relevant folder in the safeguarding cupboard. A record should also be recorded on CPOMS and any forms copied and kept in the child's SEND folder if appropriate.

Any injury sustained by staff or pupils should be recorded in the accident book located in the main academy office.

## **7 CALLING THE EMERGENCY SERVICES**

In the case of major incidents, it is the decision of the most senior member of staff present whether emergency services should be called. In some incidents this may be the police, it may also be the ambulance service depending on the specific need at the time. Staff are expected to support and assist the senior member of staff in their decision. Those staff involved with the physical intervention incident must remain with the child and provide a handover when emergency services arrive. In the event of a physical intervention incident occurring offsite, or where a parent is unavailable, the most senior member of staff should accompany the child to the hospital.

If a member of staff is asked to call the emergency services, they must state:

- What has happened;
- The child's name;
- The age of the child;
- If an ambulance is needed, whether the casualty is breathing and/or unconscious;
- The location of the school or area;
- If the casualty is a child, their parents should be contacted immediately and given all the information required. If the casualty is an adult, their next of kin should be called immediately. All contact numbers for children and staff are located in the main academy office.

## **8 REFERENCES**

- DFE Use of reasonable force Advice for head teachers, staff and governing bodies July 2013
- Section 93, Education and Inspections Act 2006
- Education Act 1996
- Common Law
- Section 3 of the criminal law act 1967
- Section 6 of the criminal justice and immigration act 2008