

Samuel Cody School
All Different. All equal. All Achieving



Restrictive Physical Intervention Policy

(To be read alongside our Safeguarding & Behaviour for Learning Policies)

September 2023

Date of next review: Sept 2026

Review date	By whom	Summary of Changes	Date Implemented

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Introduction

Cody Oaks uses RPI rarely and only when absolutely necessary. The use of RPI is within the law and is covered by our school policy. It is used by all SEMH schools as a last resort only, to prevent students causing criminal damage, injuring themselves and/or others.

The potential use of RPI to calm a child, keep them safe from harm, therefore avoiding Police involvement, is an absolute condition of a parent accepting a place at Cody Oaks. Cody Oaks is unable to meet the needs of children whose parents do not agree to this approach.

Samuel Cody School is committed to providing a safe, calm and purposeful working environment for staff, students and visitors. We foster a therapeutic approach to teaching and learning where we focus on supporting students with their Special Educational Needs, as well as supporting them to access learning activities to ensure they can be successful in later life. We all work very hard to maintain high standards of behaviour for learning, to pre-empt issues wherever possible or deal with them at the earliest stage possible. Samuel Cody School staff are trained using the "PRICE" method and are committed to restraint reduction and believe that the use of coercive and restrictive practice can be minimised through the use of a therapeutic approach to education.

We recognise, however, that on rare occasions, there may be situations where reasonable force may be considered. The aim of this guidance is to clarify our strategy for managing students with extremely challenging behaviour which is consistent both with common law and the requirements and recommendations of the DfE.

Section 93 of the Education and Inspections Act (2006) and the DfE Guidance "Use of Reasonable Force - Advice for Headteachers, Staff and Governing Bodies" (July 2013) gives all members of staff (including volunteers and parents attending school trips) the power to use reasonable force to prevent students from:

- committing a criminal offence;
- injuring themselves;
- injuring other people (including students and members of staff);
- damaging property;
- causing disruption in the classroom where they have refused an instruction to leave;
- causing disruption at a school event or on a school trip;
- leaving the classroom where doing so would risk their safety, disrupt the behaviour of others or put others at risk;

NB: The above list contains examples, but is not exhaustive, and there may be other circumstances in which the use of reasonable force is justified.

The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned or others acting for the school as per the DfE Guidance noted above, and always depends on the individual circumstances.

Staff will always act to provide the necessary duty of care and in a proportionate and reasonable way.

Reasonable force covers a range of actions which may be used by members of staff involving a degree of physical contact with students. The force used must be proportionate, reasonable and necessary, in the circumstances in which it was used, using no more force than is needed. The Headteacher and authorised members of staff may also use such force as is reasonable in the circumstances when conducting a search of a student without their consent for certain prohibited items (see the Behaviour Policy).

Parental consent is not required for members of staff to use reasonable force on students. Where reasonable force has been used, the school will notify the parents of that fact, at the earliest point possible, and the reasons why such force was reasonable in the circumstances. Parents who are unhappy with reasonable force being used on any child in their care are able to submit a formal complaint to the school under its published Complaints Policy, however it will be the responsibility of the parents and carers to prove that the force used was not reasonable, it will not be for the member of staff to prove that it was reasonable, and the member of staff will not ordinarily be suspended when a complaint is received.

It is not illegal for members of staff to touch a student. In addition to being able to use reasonable force, in the course of normal day to day activities and in proper and necessary circumstances, for example when comforting, congratulating or praising a student, or demonstrating techniques in music or physical education, it may be appropriate for staff to touch a student. There is a power, not a duty, to use force, so members of staff have discretion whether or not to use it. However, school staff have a duty of care towards all of their students and failing to take action (including a failure to use reasonable force) may in some circumstances breach that duty.

Principles

Samuel Cody School works on a Therapeutic Approach to education. Under no circumstances whatsoever is the use of corporal punishment permitted.

If reasonable force is necessary, staff will not deliberately cause pain/injury or humiliation, nor will they include the use of threats or intimidating language.

The use of reasonable force is always to safeguard and protect the student, and others around them. It is never used as a sanction. When it is used, the least amount of force, and minimal amount of restriction, will be applied for the minimum time required to restore self-control to the student.

Reasonable force will only be used as a last resort in the context of a wider behaviour for learning management strategy, based on mutual respect, fairness, and equity. It will always be a considered response in the best interests of the student. Reasonable force should take account of age, size, gender, stage of development, health, fears and phobias, state of mind (drug/alcohol) and any previous experience of abuse.

Reasonable force is to be only used in line with the duty of care, for example, when the student is causing harm to themselves or others, causing significant damage to property or needs to be prevented from carrying out a criminal act. The use of reasonable force should not put other staff or students at risk of harm. Proactive strategies for managing students with challenging behaviour are likely to achieve the best outcomes when staff, parents/carers, school staff and outside agencies share responsibility and work in partnership on the issue.

It is expected that staff will exhibit resilience and consistency in their endeavours to help a student with persistently difficult /challenging behaviours, and will commit to the restraint reduction network standards, as well as the PRICE principles. When students begin to display challenging behaviours, this will be dealt with initially using primary, secondary and tertiary techniques of diffusion and de-escalation. Staff will only resort to reasonable force when it is considered the most appropriate alternative.

Before using reasonable force, staff should:

1. Have made use of their Primary and Secondary Strategies as outlined in any Positive Behaviour Support Plan and/or Therapeutic Plan.
2. Make it clear that a physical intervention may be necessary
3. Communicate to the student in a calm and measured way telling them to stop
4. Dynamically risk assess the situation and surrounding events

Staff will always use the least restrictive technique possible to resolve the situation.

When reasonable force has been used, students will be given the opportunity to reflect and restore, as well as learn from their experiences – to improve their self-regulation and avoid similar situations in the future. Staff will have the opportunity to feedback on concerns at briefings and de-briefs daily, as well as on the school's management information system and CPOMs.

Where a reasonable plan cannot be drawn up and the school considers the risk of harm to students and/or staff to be high, we will seek support from outside agencies. It is important to note that this duty of care may require reasonable force to ensure that the student remains safe. DfE guidance states that in some instances a member of staff may breach that duty if they fail to take action in certain scenarios that may require physical intervention.

Reasonable force – Definitions

Restraint: The use of force to control another's behaviour.

Holding: Physical contact which means holding a student without an overwhelming use of force.

Escorting: Accompanying a student for protection or guidance. Escorting may include physical touch.

Breakaway: The reasonable use of minimum force required to disengage from dangerous or potentially harmful physical contact with a student.

Reasonable force

There is no legal definition of 'reasonable'. The use of force can only be regarded as reasonable if the circumstances of the particular incident warrant it (see Scope) and the degree of force employed is proportionate to the level of challenging behaviour presented or the consequences it is intended to prevent.

Scope

The law allows the use of reasonable force in the following circumstances:

- to prevent crime (including behaviour which would be a crime if the student were not under the age of criminal responsibility)
- to prevent a student from harming themselves or others
- to prevent damage to property

Self Defence

Everyone has a right to defend themselves. In the course of their work staff will on occasions be confronted with aggressive, agitated, angry and possibly assaultive students. It is expected that they will moderate their own behaviour and exercise proper self-control when confronted with such challenging behaviour.

However, in law, every person has the right to take action, to use reasonable force to protect themselves from harm (or the perceived threat of harm). For the use of force to be reasonable in these circumstances it has to be seen to be proportionate to the degree of threat posed (or perceived to be posed by the student) and the actions of the individual must be demonstrably honest and instinctive.

The use of force by staff must be reasonable, and limited to the extent needed to prevent harm, damage or disruption. Under no circumstances should there be any retaliatory physical action against students who present challenging behaviour.

Prevention

Students who are constantly in conflict with themselves or others are less able to access the classroom, their learning, develop their potential and build peer-on-peer relationships. Students showing behaviour which is difficult and/or challenging should be helped to manage themselves in ways that enable them to learn and develop. In order to do this, a stepped approach to the prevention of confrontational and challenging behaviour will be adopted including (but not limited to):

1. Ensuring the best possible match between the student's needs and aspirations and the school's curriculum offer.
2. Ensuring the best possible match between the student's needs and the staff's ability to meet those needs.
3. Developing a culture, and ethos, that students will respect each other and the environment around them, where they will feel safe and secure to be supported by the adults around them
4. Developing positive, respectful and professional relationships between staff and students and between students

5. Adopting a non-confrontational, pragmatic, problem-solving and restorative approach to signs of mounting anger and anxiety in our students.
6. When students begin to escalate and become heightened staff will explain clearly what is expected and will tell and model to the student how to behave in an acceptable manner.
7. Boundaries will be outlined along with meaningful and protected consequences and take-up time will be given to the student to make a choice.

Early intervention and preparation

The best prevention is based on a full and proper understanding of a student's needs. The better these needs are understood, and met, the less likelihood there is of confrontation – our aim is for our students to feel safe and happy in school. At the beginning of the school placement, it can take some time to unpick a student's behaviours and build trust. Where students are known to have specific behaviours that challenge, then a proper risk assessment and therapeutic planning is followed to form the basis of basic management. This will be adapted as the relationship develops with the student and the staff team.

As appropriate, professionals, parents, carers and wider staff will be involved in developing a behaviour management strategy for a student. The strategy, where possible, will include agreement with all parties on reasonable expectations in relation to the student's behaviour and on the strategies to be adopted to manage future challenges. Samuel Cody School is committed to working hard to learn about a student's triggers and emotions.

Samuel Cody School will also indicate what rewards are available for improved behaviour and what protected and meaningful consequence will be imposed for further incidents of behaviour that is unacceptable for the schools learning environment.

Should a student be known to leave site then restrictive physical intervention may also be required to stop this happening – however, a dynamic risk assessment will be carried out to ensure the safety and security of all parties.

Risk Assessment

As with any school, there may be a student whose behaviour in some circumstances may need to be managed by the use of planned physical intervention. Where this behaviour has the potential to cause harm, injury or serious damage, early identification and appropriate intervention through a planned risk assessment is necessary in order to minimise potential difficulties and ensure the safety of all involved.

The risk assessment should not only focus on the potential for behaviour that is deemed aggressive and/or that challenges, but for those students who are deemed to be vulnerable through emotional and traumatic experiences. The risk assessment

should result in an appropriate plan which identifies the steps and support necessary to put it into place.

We reserve the right to call the police to support us where student behaviours present a risk to themselves, or others, and where they are not able or willing to respond to staff.

Injuries

Despite rigorous risk assessment and high-quality training, it is unfortunately not possible to totally remove all risk when applying restrictive physical interventions. By their very nature they are physically demanding and, when there is resistance and struggle involved there is a possibility of bruising and/or other injuries to the student concerned.

This is not to be seen as necessarily a failure of professional technique but a potential side effect of making sure the child and others remain safe.

During any restrictive physical intervention, staff are required to monitor a student's health and wellbeing. If at any point the student's health appears to be at risk, then staff are to end the hold as quickly and safely as possible. A record of this must be kept as part of the CPOMs reporting process. If following the use of a restrictive physical intervention, bruising occurs, the parents should contact the school to let them know so that this can inform future techniques if needed.

PRICE and Samuel Cody Schools training methodology, as well as any technique risk assessments, are carefully designed to minimise these risks. As we acknowledge a residual risk, we commit to ensuring robust reporting and recording procedures and also post incident support for students and staff involved.

Partnership Working

Experience shows that the best outcomes for students who have been experiencing challenges with co-regulation and behaviours that challenge are achieved through staff, parents, carers and other professionals working in partnership: □

Parents/carers will be kept informed of concerns about their child's difficult/challenging behaviour.

- There will be regular meetings to plan, agree and review strategies (including protected and meaningful consequences) to deter anti-social behaviour and encourage the development of more pro-social behaviour.
- Other professionals will be called on to collaborate on, and support with, therapeutic plans, Risk Assessment and any other ongoing plans as appropriate

Recording and Monitoring

The school will keep a separate, detailed report of every incident of restrictive physical intervention and this will be recorded on a dedicated PRICE form on our safeguarding system, CPOMs.

These reports will be reviewed by a member of the school leadership group who will address any issues which arise as well as ensure that the hold is carried out effectively in the least restrictive way possible.

Records of restrictive physical intervention over time will be regularly reviewed to monitor the use of reasonable force, generally, and identify any issues or trends (whether particular students or staff are more frequently involved in incidents or whether particular situations or behaviours trigger incidents, etc.). They will consider whether any action is necessary and refer to the Headteacher, or Head of Unit, as appropriate.

Complaints

The use of restrictive physical intervention is distressing to all involved and can lead to concerns or complaints of inappropriate or excessive use of force. In particular, a student might complain about the use of restrictive physical intervention in the heat of the moment but on further reflection might better understand why it happened. In other situations. Further reflection might lead the student to feel strongly that the use of restrictive physical intervention was inappropriate.

When students are exhibiting behaviours that appear to be out of their own control, restrictive physical intervention may be unavoidable, and may result inadvertently in the student being harmed. In these circumstances it is the behaviour of the student which determines the degree of force required to bring them under control and it will always be the minimum force necessary to do so.

If a student is harmed during a restrictive physical intervention, or if the student has a concern about how a restrictive physical intervention has been used, and he/she, or his or her parents, wish to make a complaint then this will be taken seriously and investigated thoroughly.

Our school's complaints procedure explains how to take the matter further and how long we will take to respond to these concerns.

Where there is an allegation of assault or abusive behaviour, we ensure that the Headteacher is immediately informed.

We will also follow our child protection and safeguarding procedures and policies. In the absence of the Headteacher, in relation to restrictive physical intervention, we will ensure that the Senior Assistant Headteacher and/or the Head of Unit is informed.

If any complaint or concern relates to the Headteacher, we will ensure that the Chair of Governors is informed and that the Complaints procedure is followed.

Under no circumstances will the Governing Board tolerate any verbal or physical abuse of members of school staff by carers or their associates. The Governing Board are eager that any disputes are resolved quickly and speedily for the benefit of the student and the wider school community.

Date adopted by Governing Body: 11th September 2023