



orchard
Education

Physical Intervention Policy

Use of Force

Orchard Education Ltd
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1. Introduction

It is recognised that due to the nature of this School it is possible that learners are likely to display disruptive and even violent behaviour within The Orchard premises on a daily basis. Therefore, it is likely that Staff may be required to manage situations where there is a necessity for them to use conflict management techniques and even levels of Physical Intervention.

The Senior Leadership of the School recognise that this should be a subject that requires constant examination, evaluation and improvement in order to ensure the School is not only a safe place for its service users, but also that our young people are educated in self-control, coping mechanisms and overall conduct as part of their education with us. This is a key area in which we believe our learners should learn vital skills to assist them in later life.

In compliance with all legislation, regulatory organisations and adopted principals, The Orchard have developed a robust and transparent Physical Intervention Policy.

This Policy is introduced in line with the School's Behaviour Management Policy. This is in order to ensure that processes are in place to proactively address adverse behaviour which may result in physical intervention and the ultimate aim must be to avoid incidents which require it. It is essential that the two policies develop simultaneously in order to be effective as one will always be dependent on the other. To this end, all relevant records are appraised and used to develop both policies.

2. Intention

The intent of The Orchard Physical Intervention Policy is to ensure the safety and wellbeing of all persons present in relation to the services provided and delivered by The Orchard and to maintain an orderly climate of learning activity.

Orchard Staff who are identified as having the potential for direct physical contact with pupils must achieve the accredited standard of qualification for the adopted methods of conflict management and physical intervention to ensure that they have the knowledge, skills and understanding to comply with the Orchard Physical Intervention Policy. It is essential that that all members of staff are fully aware of the principles of 'reasonable use of force' both ethically and legally, and that any physical intervention is wholly proportionate and at an appropriate level when resolving incidents where all other methods of resolution have failed.

When considering the importance of addressing this particular subject, the Senior Leadership Team of the school place it as a high priority in terms of –

- Ensuring the policy is adhered to.
- The School holds records in compliance with the Data Protection Act.
- The School is transparent in its approach to Physical Intervention and has systems in place which support this.
- Clear processes are in place which allow examination, review and improvement.

3. Method

All relevant Staff engaged in direct contact with pupils, must successfully complete training for them to achieve accredited qualifications in the industry approved methods of physical intervention; currently identified as 'Team Teach'. They are also required to successfully achieve all continuous professional training as development requires.

A Senior Leadership Team member will be nominated who will examine all instances of physical intervention simply defined as 'more than a caring C' – this relates to any incident where Team Teach techniques at a more advanced level than when mere physical guidance are used. Currently this is Dave Melia (Director, Orchard Education Ltd).

This examination involves –

- An overview of the recording process and to ensure it complies with this policy.
- Full examination of all qualifying incidents, ensuring that any action is lawfully, ethically and morally robust. This would include reporting findings to relevant agencies where it is found that standards have fallen below what would be expected.
- Feedback to relevant staff members of both positive and negative aspects of the incident.
- Welfare support triggered where necessary.
- Development of resources, training, record keeping and student centred techniques which would reduce the requirement for physical intervention.

(See Appendix A)

A further Senior Leader will also be nominated to audit records on a half termly basis to offer a further level of scrutiny and objective views on performance and improvement. Currently this is Pete Macleod (Director, Orchard Education Ltd).

Quality approved documentation will be used to comprehensively record all incidents. This will provide the Senior Leadership Team with relevant data in order to identify a number of 'patterns' which may subsequently identify areas of need in terms of behaviour management, training and key performance indicators.

More information regarding the Team-Teach Approach can be found via the internet by visiting www.team-teach.co.uk.

4. Definition of reasonable force

It is essential that staff members are fully aware of the meaning 'reasonable force'. A working definition within this policy should be understood as:

'The minimum force necessary to prevent a person from harming themselves, other persons present or committing serious damage to property.'

The Orchard has adopted the Team Teach approach to staff training. Relevant staff are fully accredited and update their skills/re-accredit every two to three years. We consider these staff to have a responsibility for pupil behaviour.

The Team Teach training includes de-escalation techniques which introduce the use of force at an appropriate time, based on a range of other options.

Physical Intervention should only be considered when it is clear that all other methods of resolution (e.g. de-escalation) have failed and that the person is or is immediately (in the honest belief of the staff member) about to carry out any of the actions above.

Any physical intervention should be carried out (where possible) in a manner which preserves the dignity of the subject and will cease once the necessity has passed.

Staff are advised that, as far as possible, they should not use force unless or until another suitably trained staff member is present to support, observe and call for assistance.

Staff will only use methods they are trained to use unless there is an extreme emergency and where there is no viable alternative.

5. Use and forms of reasonable force

When might it be appropriate to use reasonable force?

The Orchard operates a strict policy with regards to the use of reasonable force. Which should be limited to emergency situations and only used by staff with relevant 'team teach' training. It must only be used in extreme measures and always follow the principles taught in 'team teach', examples may include:

- A pupil attacks a member of staff, or another pupil;
- Pupils are fighting;
- A pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials, substances or objects;
- A pupil is running in a corridor or on a stairway in which he/ she might cause an accident likely to injure him/herself or others;
- Physical intervention in these circumstances may take several forms, e.g: physically interposing between pupils;
- blocking a pupil's path;
- holding;
- leading a pupil by the hand or arm;
- shepherding a pupil away by placing a hand in the centre of the back; or
- (in extreme circumstances) using more restrictive holds.

The law strictly prohibits the use of force, which constitutes the giving of corporal punishment. The use of force, as a punishment or to intentionally cause pain, injury or humiliation, such as the examples below, (which are not exhaustive) should not be permitted under any circumstances:

- holding around the neck;
- any hold that might restrict breathing;
- kicking, slapping or punching;
- forcing limbs against joints;
- tripping;
- holding by the hair; and

- holding the pupil face down on the ground.

When used, physical intervention should avert danger by preventing or deflecting a pupil's action or perhaps by removing a physical object which could be used to harm him/herself or others. It should, at all times, be carefully applied and may be eased by degrees as the pupil calms down in response to the physical contact. The child should be advised throughout that physical intervention will cease when he/she calms down.

The use of restraint is only likely to be needed in exceptional circumstances if a pupil appears to be unable to exercise self-control of emotions and behaviour and is presenting a threat to him/herself or others. The use of reasonable force should involve a calm and measured approach at all times and be in accordance with agreed strategies and action steps.

6. Alternatives to Physical Controls

A member of staff who chooses not to make a physical intervention can still take effective action to reduce risk. They can show consideration to:

- Show care and concern by acknowledging unacceptable behaviour and requesting alternatives using negotiation and reason.
- Give clear directions for pupils to stop.
- Remind them about rules and likely outcomes.
- Remove an audience or take vulnerable pupils to a safer place.
- Make the environment safer by moving furniture and removing objects which could be used as weapons.
- Use positive touch to guide or escort pupils to somewhere less pressured.
- Ensure that colleagues know what is happening and get help.
- Highlight the use and recording of CCTV within the centre.

7. Getting Help

At The Orchard the following support structures are in place:

Staff should be well briefed and made aware of any trigger points with individuals and any such information will be held on file, within the organisational server. Staff should use this information in accordance with The Orchard data protection policy. Examples of information sources are –

- Learners Profile of Safe Faces, Diagnosis & Risk of PI
- BMP (Behaviour Management Plan)

Regular briefing sessions are used to update staff on current issues, sharing information and best practice. This takes place within the Behaviour Management meeting process. These meetings are aimed at daily end of day periods where possible unless there have been no immediate developments or incidents. The findings of these meetings are then disseminated to all staff via a data protection compliant briefing system on a 'WhatsApp' group on a daily basis. Highlighted issues requiring more in depth examination is also examined within the Staff & Management meeting process which are also held at a minimum of fortnightly.

A licensed radio system which can identify crisis points, staff should also be aware of radio terminology and procedure within the centre.

Debrief sessions after an incident are held with both staff and with the pupil involved (separately), reflecting on how crisis was managed by all involved and identifying any points for review or learning.

8. Health and Safety

If dangerous behaviour presents a significant risk of injury to people, there is a legal Health and Safety issue to be addressed. Dangerous behaviour should be regarded just as seriously as dangerous equipment. Dangerous occurrences should be reported to the person responsible for Health and Safety at The Orchard David Melia. We all have shared responsibility to identify risk, communicate potential risks and take active steps to reduce risk wherever possible. We recognise that it is not possible to entirely remove risk. Sometimes things go wrong even when we make our best efforts to do the right thing. Sometimes we are faced with unpalatable choices. In these circumstances we have to try and think through the outcomes of the options available, balance the risks and choose whatever course of action which seems to involve the least risk.

As a minimum requirement, in order to comply with health and safety legislation, each employee has a responsibility to ensure that they are conversant with policy and guidance, and to cooperate to make The Orchard safer. It is also a requirement that they participate in training if they are directed to do so. This does not necessarily mean that all staff can be involved in all the physical activities. The non-physical aspects of positive handling training are crucially important to.

When considering a pupil's behaviour staff should think about the following questions:

- Can we anticipate a Health and Safety risk related to this pupil's behaviour?
- Have we got all the information we need to conduct a risk assessment?
- Have we provided a written plan as a result?
- What further steps can we take to prevent dangerous behaviour from developing?

9. Risk Assessment

The Orchard will adopt a measured approach to all Initial Risk Assessment processes using recognised methods to identify the residual risks that exist in the delivery of the services provided by The Orchard.

Having identified the residual risk, The Orchard will introduce such measures to ensure the removal or reduction of such a risk, so as to allow the safe delivery of services provided by The Orchard.

The Orchard will cause regular reviews of their safe practices by qualified persons and collate all findings and recommendations.

Dynamic Risk Assessments are defined as;

“The continuous process of identifying hazards, assessing risk, taking action to eliminate or reduce risk, monitoring and reviewing, in the rapidly changing circumstances of an operational incident.”

10. The Post Incident Support Structure for Pupils and Staff

Following a more serious incident, it is the policy of The Orchard to offer support for all involved. People take time to recover from a serious incident. Until the incident has subsided the only priority is to reduce risk and calm the situation down. Staff should avoid saying or doing anything which could inflame the situation during the recovery phase.

Immediate action should be taken to ensure medical help is sought if there are any injuries which require more than basic first aid. All injuries should be reported and recorded using The Orchard’s systems and procedures. It is important to note that injury in itself is not evidence of malpractice.

Even when staff attempt to do everything right, things can go wrong. Part of the post incident support for staff may involve a reminder of this, as people tend to blame themselves when things go wrong.

Time needs to be found to repair relationships. When careful steps are taken to repair relationships a serious incident does not necessarily result in long term damage. This is an opportunity for learning for all concerned. Time needs to be given to following up incidents so that learners have an opportunity to express their feelings, suggest alternative courses of action for the future and appreciate other people’s perspective. When time and effort are put into a post incident support structure the outcome of a serious incident can be learning, growth and strengthened relationships.

As a School we recognise that the Parents/Guardians/Carers of our learners are also an essential part of the post incident process. We understand the anguish that a parent can feel following their child being involved in physical intervention, along with the subsequent extra support needed for a learner within their home environment immediately following an incident. With this in mind, in the event of physical intervention being used, Parents/Carers/Guardians are contacted as a matter of priority in order to inform them of the circumstances. School Management maintain contact throughout any period of sanction and also look to include them within the student debrief process.

In order to facilitate this process, the completion of Staff Debriefs are completed as soon as practicable after the incident (Staff Debrief App B).

Consideration is given to carrying out Student Debriefs within effective periods. This is to ensure that the student is in a reasonable emotional state and also that the gravity of their actions is acknowledged. The following guidelines will be adhered to where possible –

- Sanction – 1 day exclusion. Debrief to be carried out on return to School.
- Sanction – 2 day exclusion. Debrief to be carried out on second day of exclusion (at residence if necessary).
- Sanction – 3 day exclusion. Debrief to be carried out on second day of exclusion (at residence if necessary).

(Student Debrief App B)

Debriefs, their effectiveness and timeliness will be monitored as part of SLT review.

11. Recording

Whenever a physical intervention is used the incident must be recorded using the approved forms. The Incident forms are kept on the Organisational Server. All staff involved in an incident should contribute to the record which should be completed as soon as practicable. The details recorded on the forms are stored securely and will be forwarded onto relevant departments and agencies.

Staff should:

- Read through The Orchard Physical Intervention incident form carefully
- Take time to think about what actually happened and try to explain it clearly.
- Sign and date all forms.

Bear in mind these records will be retained and cannot be altered. They may be kept for many years and could form part of an investigation at some time in the future.

Serious Incident Reports should not be completed until the individuals concerned have recovered from the immediate effects of the incident. They should not be rushed. A record is written into the Incident Log. This refers to supporting sheets and other relevant information.

12. Monitoring and Evaluation

The SLT will ensure that each relevant incident is reviewed and instigate further action as required. The Orchard's incident log is open to external monitoring and evaluation.
(See Appendix A)

13. Follow Up

Following an incident, consideration is always given to conducting a further risk assessment, or reviewing the physical intervention policy (this is within Behaviour Management Meetings). Any further action in relation to a member of staff, or an individual pupil, will follow the appropriate procedures (e.g. staff disciplinary policy).

14. Complaints

It is not uncommon for pupils to make allegations of inappropriate or excessive use of force following an incident. The Orchard has a formal Complaints Procedure. Pupils should be reminded of the procedure and encouraged to use the appropriate channels. The complaints policy applies equally to staff. We are an open school and promote transparent policy and practice in order to protect the interests of staff and pupils alike. Any staff concerns regarding the welfare of children should be taken to the designated person for child protection. Any safety concerns should be reported to the designated director responsible, Pete Macleod.

15. CCTV within the school

Throughout the public and classroom areas of The Orchard a closed-circuit television system is in operation which has the ability to be monitored and also records events

live. This system conforms to all relevant legislation and regulations. This system can be used to support any criminal prosecution and also can be used to diffuse the likelihood of criminality or violence within the school.

16. Human Rights & Required Legislation

The Orchard will ensure that all Staff will provide their services in full compliance with all Law, Regulations and approved practices and procedures.

Relevant Law & Legislation includes:

- Common Law
- Human Rights Act 1998
- Criminal Law Act 1967 (Section 3)
- Criminal Justice & Immigration Act 2008 (Section 76)
- Education Act 1996 (Sections 93 & 550a)
- Education & Inspectors Act 2006
- Children Act 1989
- Safeguarding Vulnerable Groups Act 2006
- Data Protection Act 1998
- Health & Safety at Work Act 1974
- Equal Opportunities Act 2010
- The Reporting of Injuries Diseases & Dangerous Occurrences Regulations 1996

Relevant Approved Practices include:

- Work Related Violence National Occupational Standards
- NE Lincs Council Local Safeguarding Children Board
- Every Child Matters 2003. (5 Principals)

S tay safe

H ealth wellbeing

E njoy & achieve

E conomic achievement

P ositive contribution

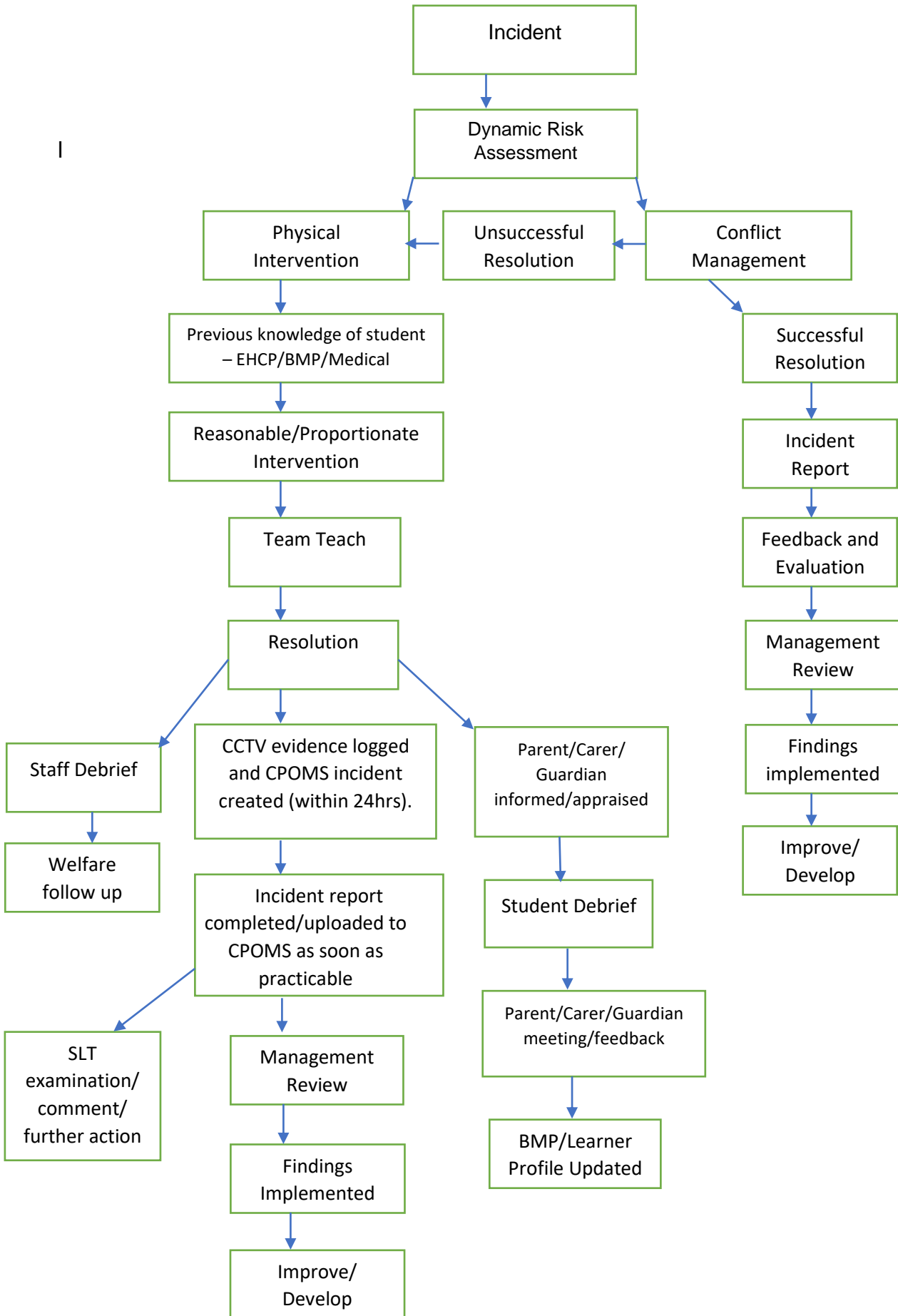
Review

This policy will be reviewed at a maximum of 1-yearly intervals and where appropriate as and when circumstances dictate prior review.

17. Appendices Below

- A. Incident flowchart
- B. Administration Forms
- C. Glossary of terms
- D. Copy of team teach letter to parents

Appendix A - Incident Management Procedure Flowchart



Appendix B – Administration Forms

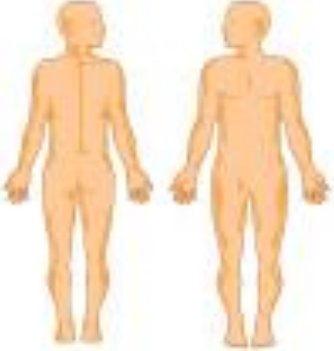
1. Physical Intervention Report Form
2. Physical Intervention Student Debrief
3. Physical Intervention Staff Debrief
4. Behaviour Management Plan (BMP)

Appendix B1**Physical Intervention Report Form** *(Continue on a separate sheet if required).*

This form MUST be completed by each person using physical intervention as soon as possible and in any case within 24 hours of the use of the PI.

Venue / Location:	
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Name of Staff completing the form:	
Date of incident:	
Time of incident:	
Name of Student(s):	

<p>Using the human figures opposite; mark in pen the parts of the body of which you used 'force' or which suffered injury.</p>	
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Briefly describe any injuries suffered:

Staff Member Details:	
Sex:	
Ethnicity:	
Height:	
Build: i.e. Heavy/Muscular/Normal/Small/Thin	

Student Details:	
Sex:	
Ethnicity:	
Height:	
Build: i.e. Heavy/Muscular/Normal/Small/Thin	

Did the student appear to be:					
Under influence of alcohol		Under influence of drugs		Suffering mental illness	

Describe weather conditions:	
Describe surface conditions:	
Describe visibility:	
Number of persons involved:	

Were Weapons used? (if yes please describe)

Explain the behaviour being displayed by the student – this should include verbal language, body language along with any physical act (damage or assault) prior to PI being used.

Describe <u>ALL</u> attempts made to de-escalate the incident prior to PI being used.
Were they successful?

Explain the justification for the use of PI – this should show your thoughts at the time, why you felt that PI was necessary, why you felt that other de-escalation techniques weren't working, were there any other alternatives other than PI?

Describe in full detail the PI technique used and justify the level (proportionality) of it. Explain how the PI was reasonable in the circumstances.

Reasonable & Justified: <i>Why did you use physical intervention?</i>				
Self Defence		Protecting Others		Protecting Property

Describe the effectiveness of the PI and justify its continued use (if applicable). Also give the length of time any 'holds' were in place.

--

When did you feel that PI was no longer justified, reasonable or proportionate? Did the student calm or become reasonable / compliant? Describe how PI was removed once appropriate.

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Proportionate: *Did the Use of Force:*

Achieve the aim		Control the Student		Not control the Student	
-----------------	--	---------------------	--	-------------------------	--

Outline post incident procedures (eg continued verbal support, fresh air, coaching etc) employed in support of the student.

--

Describe any injury sustained by either yourself or the student during this incident, along with any medical attention required.

--

Details of witnesses or others involved: (Please Note: W = Witness, I = Involved)

Name		Contact Details

Name:	Signature:	Date:
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Appendix B2

Physical Intervention Student Debrief

Learner Name: _____

Incident Details		
Date:	Time:	Place:
What lead up to this incident?		
Why did you behave in this manner?		
How are you feeling now?		
Anything you could have done differently?		
Anything we could have done differently?		
How will this stop an incident from this happening again?		
Management comment (Review incident with learner)		
Parent feedback		
Agreed actions		
BMP updates		

	Manager	Student	Parent / Carer / Guardian
Name			
Signature			
Date			

Appendix B3

Post PI Staff Debrief

Staff Name.....

Incident Details		
Date:	Time:	Place:
Brief Summary:		
What went well?		
Not so well?		
How do you feel?		
Any further help/training/assistance?		

SMT Name.....

Signature.....

Date.....



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Individual Behaviour Management Plan



“
Teachers are not here to control
children. We are here to teach
children how to control
themselves.
SALLY MICHAELS
”



Student:

Date:

Goals:

Behaviours I Might Display:	Support Strategies:

Staff Comments:

Parent comments:

Student comments:

Behaviour



Home



Autumn Review:

Spring Review:

Summer Review:

Appendix C – Glossary of terms

Incident Report – A detailed document explaining the full circumstances of an event within the school.

Physical Intervention – The use of force to resolve a situation

PLNC – Personalised Learning & Nurture Centre

Risk Assessment – The identification of levels of risk in any given situation

SLT – Senior Leadership Team at The Orchard

Team Teach – The training given to resolve behavioural issues, both with and without the use of force.

Appendix D – Team Teach Letter to parents

Team Teach

Here at The Orchard we aim to provide a learning environment that is free from fear and safe from harm. We have policies and procedures followed by all our staff to try and secure the best learning and development for our learners.

We are an independent school that tries to meet the needs of all our children regardless of their level of support need and therefore, from time to time, some learners may present us with challenging behaviour. Our health and safety commitment to learners and staff means that we will carry out a risk assessment to foresee and reduce the risks presented occasionally by their behaviour.

This may also mean that there are times when their behaviour requires staff physical intervention to ensure the learners' own safety, the safety of other learners and staff, or that property is not seriously damaged.

'Team Teach' is the approach adopted by us at The Orchard to manage challenging and aggressive behaviour. Many of our teaching and non-teaching staff have been trained in the use of this approach and the company keeps a list of those staff authorised to use Team Teach and they receive regular refresher training from LEA instructors.

The basic philosophy of the approach is as follows:

- 95% or more of all incidents should be managed without recourse to physical intervention.
- It is a flexible framework of responses stressing a holistic approach.
- De-escalation of situations is a priority (e.g. using communication skills, humour, distraction etc).
- Gradual and graded positive handling techniques are based on providing the maximum amount of care control and therapeutic support for the shortest possible time necessary to ensure the safety of all concerned

All incidents of positive handling are reported, recorded, monitored and evaluated. Parents, Guardians and the local authority will be informed of any that involve a child being held with more restrictive holds.

Any injury sustained during an incident involving positive handling is also reported to the Parent/Guardian and Senior Management.

As a parent or guardian, you should be assured that all staff are committed to providing a safe and productive learning environment for all. Staff will ensure that any physical intervention will happen wherever possible as a last resort.

If you have any questions concerning the use of Physical Interventions or the Team Teach Approach please do not hesitate to contact The Orchard.

More information regarding the Team-Teach Approach can be found via the internet by visiting www.team-teach.co.uk.

This policy will be reviewed annually by a Director.

	Review 1	Review 2	Review 3	Review 4	Review 5
Signed	D Melia	D. Melia	D.Melia	D.Melia	D. Melia
Position	Director	Director	Director	Director	Director
Date	07/08/17	30/08/18	08/01/19	16/01/19	26/08/19