



Tetney Primary School

Restrictive Physical Intervention Policy

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Introduction

Tetney Primary School recognises its legal and moral duty to promote the wellbeing of children, and protect them from harm.

We believe that every child regardless of age has, at all times and in all situations, a right to feel safe. We agree that we have a primary responsibility for the care, welfare and safety of the pupils in our charge.

We are committed to a positive behaviour policy which aims to promote and support our pupils, regardless of any barriers they may face. Behaviour is communication and we aim to understand the cause of behaviour, rather than punish and suppress. We believe, as stated in Ofsted's 'Positive environments where children can flourish' guidance, *"staff should work positively and confidently with children and find the least intrusive way possible to support, empower and keep children safe."* (Ofsted, 2018)

Safety of our pupils and staff is a priority and on occasions there may be situations that require some form of physical intervention (Restrictive Positive Intervention – RPI) by staff, in order to keep the pupil(s) safe.

Our policy for Restrictive Positive Intervention is based upon the following principles:

- Any physical contact should use the minimum force for the shortest time.
- RPI must be used in ways that maintain the safety and dignity of all concerned.
- Incidents must be recorded (on CPOMs) and will be reported to the DSL Team.
- Each DSL receives an automatic notification of all RPIs logged.

It is not possible to define every circumstance in which RPI would be necessary or appropriate and staff will make a dynamic risk assessment in every situation.

Staff are aware that when they are in charge of children during the school day, or during other supervised activities, they are acting in loco parentis and have a 'Duty of Care' to all children they are in charge of. They will, therefore, take reasonable action to ensure all pupils' safety and wellbeing. If staff feel that their own safety is threatened they will not be seen to be failing in their duty of care by not using force to prevent injury.

Aims of the learning community to minimise the use of physical intervention

In order to reduce the possibility of physical intervention being needed the school will:

- Create a calm, orderly and supportive school climate that minimises the risk and threat of violence of any kind.
- Continue to develop positive relationships between staff and pupils.
- Adopt a whole school approach to developing emotional regulation.

- Take a structured approach to professional development that helps staff acquire the skills of positive behaviour management and managing conflict, as well as supporting each other during and after an incident.
- Recognise that situations which trigger challenging behaviours are often foreseeable.
- Effectively manage individual incidents, communicating calmly with the pupil, using non-threatening verbal and body language, supporting pupils to make positive choices.
- Use strategies that might include going to a safe space (regulation room) away from bystanders or other pupils, so that staff involved can listen to concerns.

The Legal Framework

The Department for Education guidance document 'Use of reasonable force' (July 2013) states that all members of school staff have a legal power to use reasonable force. This power applies to any member of staff at the school. It also applies to people whom the Headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit. Reasonable force can be used 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 or a school trip or visit
- 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; and
- Restrain a pupil at risk of harming themselves through physical outbursts

The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

Reasonable Force

The term 'reasonable force' covers the broad range of actions used by school staff that involve a degree of physical contact with pupils. Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a pupil needs to be restrained to prevent violence or injury. 'Reasonable in the circumstances' means using no more force than is needed. School 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 pupil. Team Teach techniques seek to avoid injury to the pupils, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent "side-effect" of ensuring that the pupils remains safe.

Section 93 of the Education and Inspections Act 2006 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

Reasonable force may also be used in exercising the statutory power, introduced under section 45 of the Violent Crime Reduction Act 2006 (and re-enacted by section 242 of the ASCL Act 2009), to search pupils without their consent for weapons. This search power may be exercised by Headteachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force may be used by the searcher. Where resistance is expected school staff may judge it more appropriate to call the police.

The staff to which this power applies are:

- Any member of staff at the school.
- Any other person whom the Headteacher has authorised to have control or charge of pupils. This can also include people to whom the Headteacher has given temporary authorisation to have control or charge of pupils such as unpaid volunteers (for example parents accompanying pupils on school organised visits), this does not include any pupils.
- The power may be used where the pupil (including a pupil from another school) is on the school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

It is unlawful to use force as a punishment. This is because it would fall between the definitions of corporal punishment, abolished by section 548 of the Education Act 1996.

Before physical intervention is used staff will:

- Communicate in a calm and controlled manner
- Remind pupils that staff are here to keep them safe if they aren't able to keep themselves safe and make positive choices

Staff across Tetney Primary School are Team Teach trained but even if staff do not hold this qualification, they still have a duty of care to keep all pupils safe and will act in line with this policy and legal framework.

4. Power to Search Pupils: Searching without Consent

In addition to the general power to use reasonable force, Headteachers and authorised staff can use force as is reasonable to conduct a search for the following items:

- Knives and weapons.
- Alcohol.
- Illegal drugs.
- Stolen items.
- Tobacco and cigarette papers.
- Fireworks.
- Pornographic images.

- Any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Force cannot be used to search for items banned under school rules.

Searching with consent

- School staff can search pupils with their consent for any item.
- Tetney Primary School is not required to have formal written consent from the pupil, it is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree.
- If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher will notify the school's SLT.

Searching without consent

Any search without consent will be conducted by a member of staff of the same sex and with a witness present. The exception to this will be if there is an imminent risk of serious harm to another person.

During any search only outer clothing may be asked to be removed. The definition of outer clothing means any clothing that is not next to the skin or immediately over a garment that is underwear. Outer clothing includes hats, shoes, boots, gloves and scarves.

Staff Training

Although the absence of accredited training does not preclude a member of staff from using reasonable force where needed, at Tetney Primary School, staff who have charge or control of pupils receive Team Teach training. The programme is about positive handling and a holistic approach to behaviour support. Its approach provides a framework to equip schools and individuals with attitudes, skills and knowledge to facilitate environments that are free from fear and safe from harm. The physical techniques are assessed by an expert risk assessment panel.

Team Teach is approved by Ofsted and the Institute of Conflict Management (ICM). The Team Teach expectation is that people will communicate, assess, look and listen for opportunities to divert or de-escalate. All staff receive basic Team Teach training as part of their CPD and a core team of staff receive intermediate-level training.

Recording and Reporting of Incidents

All incidents that require restrictive positive intervention (RPI) are recorded in the relevant category of CPOMs, including the most appropriate follow up and any contact with parents/carers.

The member/s of staff involved in the incident will compile the report within CPOMs and the DSLs will receive an automatic notification.

All records will be treated confidentially and are dealt with in accordance with the Data Protection Act 1998.

Post Incident Support

Following a significant incident:

- All pupils will be encouraged to take up the opportunity of post incident support with the staff involved. However, this will only take place when the pupil is emotionally able. Our school thrives on the positive relationships between staff and pupils and it is important any relationships that could have been affected by such incidents, have the opportunity to be repaired and rebuilt.

Complaints and Allegations

All complaints that the school receives will be taken seriously. All matters will be dealt with in line with the school's Complaints Policy, available on the school website and from the school office on request.

Where an allegation is made that a member of staff has used force inappropriately or unlawfully, school will follow the allegations against staff procedure. This means that the Headteacher will inform the Local Authority Designated Officer (LADO).