

Millfield English Language Holiday Courses (MELHC) Physical Interventions & Positive Handling Policy

It is recognised that on very rare occasions some students may require staff to physically intervene in situations or to use restraint. In the vast majority of these cases these interventions are not restrictive and serve to guide, care for, help or reinforce teaching of and learning for the student e.g. physical prompt to demonstrate exercises or techniques, care procedures, giving of first aid, comfort in distress etc.

MELHC's policy has regard for and makes reference to *Use of reasonable force (Advice for head teachers, staff and governing bodies) – DFE 2013, The Education Act 1996 and Education & Inspection Act 2006.*

The following are definitions given for positive handling:

- **Restraining** – this is defined by the Department of Health as ‘the positive application of force with the intention of overpowering the child’. By definition, restraint is applied without the child’s consent.
- **Holding still** – this means immobilisation, or by using limited force. It may be a method of helping children, with their permission, to manage a painful procedure quickly and effectively. Holding is distinguished from restraint by the degree of force required and the intention.
- **Containing** – this is defined as physical restraint or barriers aimed at preventing the child leaving or harming themselves or causing serious damage to property.

Why might we need to use them?

Staff are entitled to use reasonable force to control or restrain pupils physically in the arrangements explained below. Staff must not use physical force to punish students. Corporal punishment is banned in all schools and thus at Millfield. Force should not be used except in self-defence or an emergency (see below for a definition of reasonable force), where staff might have to react quickly to prevent injury. You should be aware that your actions must be considered, appropriate and proportionate; using excessive force in a situation where it is not appropriate can result in disciplinary action or criminal charges.

Reasonable Force

The use of reasonable force will always depend on all the circumstances of the case. There are two relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force could be unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical force could not be justified to prevent a student from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.

- The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.

Whether it is reasonable to use force and the degree of force that could reasonably be employed, might also depend on the age, understanding and gender of the student. Before intervening physically a member of staff should, wherever practicable, tell the student who is misbehaving to stop, and what will happen if he or she does not. The member of staff should continue attempting to communicate with the student throughout the incident, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary. A calm and measured approach to a situation is needed and members of staff should never give the impression that they have lost their temper, are acting out of anger or frustration or to punish the student.

At MELHC we believe that the use of reasonable force in a physical intervention is only necessary to prevent the student from:-

- committing a criminal offence
- injuring themselves
- injuring others
- causing significant damage to property (including their own)
- engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its students, whether that behaviour occurs in the classroom during a teaching session or elsewhere. Specifically students can be removed after they have refused to do so, from a classroom, activity or event that they are disrupting.

This provision applies whether the student is on campus or during an organised activity – e.g. excursion. For example, everyone has the right to defend themselves against attack provided that they do not use a disproportionate degree of force to do so. Similarly, in an emergency for example, if a pupil was at immediate risk of injury or on a point of inflicting injury on someone else, any member of staff would be entitled to intervene.

These physical interventions may take several forms such as:

- blocking a student's path
- holding
- controlled pushing or pulling
- leading by the arm or hand
- "shepherding" student away from a situation
- physically interposing between students

How do we use them?

The use of restraint or restrictive physical intervention should always be the last resort. We must use the **minimum restraint** for the **minimum time** until the situation is calm.

Our students have the right to be treated with respect, care and dignity especially when they are behaving in a manner which may be harmful to themselves or others and as a result require physical intervention from staff. By using this guidance staff will be able to act appropriately and in a safe, legal manner, so ensuring effective responses in difficult situations.

Recording Incidents

If restraint is necessary it must be recorded and details given to a manager immediately. Incidents of restraint will be recorded by the Centre Manager and passed on to the MELHC Manager and Director of Holiday Courses & Events. It is important that there is a detailed, written report of any occasion where force is used using an incident report form. It may help prevent any misunderstanding or misrepresentation of the incident and it will be helpful should there be a complaint. Immediately following any such incident, the member of staff concerned should tell a manager and provide a written report as soon as possible afterwards. That report should include:

- the name(s) of the student(s) involved, and when and where the incident took place
- the names of any other staff or students who witnessed the incident
- the reason that force was necessary (e.g. to prevent injury to the student, another student or member of staff)
- how the incident began and progressed, including details of the student's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long
- the student's response, and the outcome of the incident
- details of any injury suffered by the student, another student, or a member of staff and of any damage to property.

Parents/guardians/Group Leaders should be informed as soon as possible that restraint, holding still or containment has been used.

Complaints

Any dispute or complaint about the use of force by a member of staff could lead to an investigation, either under MELHC disciplinary procedures or by the Police and Somerset Children Services

Appendix 1

Techniques that are not to be used under any circumstances

Using force

A panel of experts identified that certain restraint techniques presented an **unacceptable risk** when used on children and young people. The techniques in question are:

- the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing
- the 'double basket-hold' which involves holding a person's arms across their chest, and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

References

Use of Reasonable Force (Advice for head teachers, staff and governing bodies) – DFE 2013
Education Act 1996 Education & Inspection Act 2006