



Ghanshyam Nursery School

'Laying the foundations for life'

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Use of Physical Intervention Policy

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Presented and Agreed by Governors:

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Use of Physical Intervention Policy

Ghanshyam Nursery School is committed to safeguarding and promoting the welfare of children as we believe that this is of paramount importance. We expect all staff and volunteers to share this commitment. We uphold the rights of everyone to equality under the law regardless of gender, age, race, belief, ability, disability, sexual orientation or identity.

We believe that our core school motto ('Laying the foundations for life' - We strive to provide the highest quality childcare facilities and personnel for the social, personal, cultural and religious advancement of the child) and British values are not mutually exclusive. We focus on ensuring our work is effective in securing this motto; challenging children, staff and parents/carers who express opinions contrary to the British values with regard to our duty to prevent extremism and radicalisation. Ghanshyam Nursery School has the highest regard for the safety of the children in our care and will carry out its duties to safeguard and promote the welfare of children at all times.

Objectives

Our aim is that every member of the school community feels valued and respected, and that each person is treated fairly and that our school procedures are applied consistently. We are a caring community, where our values are built on mutual trust, respect for all and responsibilities. We support children to grow in a safe and secure environment, and to become positive, responsible and increasingly independent members of the school community.

Minimising the Need to Use Force

Procedures are in place at Ghanshyam Nursery School to create a calm and orderly environment, and a supportive school climate that lessens the risk or threat of violence of any kind. The Promoting Positive Behaviour Policy outlines procedures and guidance for staff in managing children's behaviour. If an incident arises, staff will attempt to de-escalate the incident without the use of force initially.

Restraint must not be used as a punitive measure to punish children and should only be used as a last resort when other strategies have failed. Physical restraint must only involve the minimum of force for the shortest period possible

1. Staff Authorised to Use Force

Section 93 of the Education and Inspection Act 2006¹ states that all teachers, staff and the Manager has authorised to have control or charge of the children automatically have the legal power to use reasonable force. The lawful use of the power will provide a defence to any related criminal prosecution or other legal actions. This includes all nursery practitioners and support staff.

Temporary authorisation can also be granted in specific circumstances such as unpaid volunteers or parents supporting an educational visit but this is under specific direction of a supervising member of staff.

2. Definitions

¹ Use of Reasonable Force: Advice for Managers, Staff and Governing Bodies – July 2013

Staff have a legal power to use such force that is reasonable in the circumstances to prevent a child from doing (or continuing to do) any of the following:

- committing a criminal offence;
- causing personal injury to, or damage to property;
- Prejudicing the maintenance of good order and discipline at the school or among any children receiving education in the school, whether during a teaching session or otherwise.

'Reasonable in the circumstances' means using no more force than is needed. The term 'reasonable force' covers the broad range of actions required by teachers that involve a degree of physical intervention with children.

In our nursery school, force is used for two main purposes - to control children or to restrain them. This can range from guiding a child to safety by the arm through to more extreme circumstances such as breaking up a fight or where a child needs to be restrained to prevent violence or injury.

Control means either passive physical contact, such as standing between children or blocking a child's path, or active physical intervention such as leading a child by the arm out of a classroom where he/she has refused to follow an instruction to do so.

Restraint means to hold back physically or to bring a child under control. It is typically used in more extreme circumstances, for example, when two children are fighting and they have refused to separate without physical intervention.

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. 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.

3. Deciding Whether to Use Force

Staff should only use force when:

- the potential consequences of not intervening were sufficiently serious to justify considering use of force;
- the chance of achieving the desired result by other means were low;
- the risk associated with not using force outweighed those of 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, as listed below, **are not be used under any circumstances:**

- 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.

Adults in the school should not use force as a punishment – **it is always unlawful to use force as a punishment**

4. Guidance for Staff when Using Force

- Clear verbal instructions must precede any physical intervention.

- In giving instructions, staff should be sensitive to the possible effects of intruding into a student's personal space.
- Restraint should not be used in anger or to punish a child.
- If restraint is necessary, staff should continue to talk to the child in a calm manner, offering choices and time for the child to become calm.
- Restraint should not involve deliberately painful or dangerous procedures and should always be used in such a way as to not interfere with breathing, blood supply or genital areas.
- Never hold the child's head, throat or fingers.
- The hold should be released as soon as the situation is deemed safe.
- If an attack is directed at a member of staff, the first option should always be to avoid physical contact. Staff should be aware that for some children, the use of physical force may act as a positive reinforcement for their aggressive behaviour and may exacerbate the situation
- In cases where a child has to be removed from a room the Manager or Deputy Manager should be sent for.
- A member of staff should not use restraint until there is another member of staff present to support, observe or call for assistance wherever possible.
- Staff should not put themselves in personal danger merely to safeguard property.
- Staff working in nursery need to be aware that they can be vulnerable to accusations of using undue force or of behaving with sexual impropriety. These dangers will be minimized by working within this guidance.

5. Special Educational Needs and Disabilities

Children that are identified as possibly requiring force for their safety and/or the safety of others will have a behaviour plan as part of his/her Individual Education Plan (IEP). Staff involved with the child will be briefed with the behaviour strategy.

6. Staff Training

Staff training is provided through school based inset and Local Authority (LA) courses.

7. Recording Incidents

In all incidents of physical restraint, the following actions must be taken:

- The member of staff must inform the Manager as soon as possible;
- The member of staff must complete the Use of Physical Intervention Incident Recording Form (see Appendix 1) as soon as possible after the incident, and always by the following working day.
- The member of staff involved will retain a copy of the completed form
- Any injuries must also be recorded in line with school procedures.
- A record of the use of physical restraint will be kept in the children' file and shared with the parent at the end of the day. See Appendix 2

8. Reporting Incidents

The Manager must report all significant incidents where a member of staff has used force on a child to the parents/carers.

The Manager will decide if an incident is significant or not but the following points should be considered in making this decision:

- an incident where unreasonable force has been used on a child;
- any incident where substantial

If appropriate, other external agencies are informed such as LA children's services, the Local Children's Safeguarding Board, and the police.

9. Post Incident Support

After any incident where physical intervention has become necessary, the record should be shared with the student and the incident talked through, with the aim of achieving resolution and full reconciliation.

10. Complaints and Allegations

A child or parent/carer may feel that a member of staff has used physical restraint unnecessarily and extensively. In such cases complaints should be referred to the Manager who will make arrangements to meet with the parent/carer to resolve the complaint.

Any allegation against a member of staff must be referred in the first instance to the Designated Officer from the Local Authority. This may result in a child protection investigation in accordance with DfE Guidance on Safeguarding Children or be referred back to the school for us to follow our complaints procedures.

Complaints may be taken to the Chair of Governors where a parent/carer does not feel that their complaint has been dealt with in an appropriate way.

Please refer to the Complaints Policy and further guidance from the DfE Use of Reasonable Force: Advice for Manager, Staff and Governing Bodies – July 2013

11. Monitoring and Review

All incidents are monitored and reported to the Governing Body. The school monitors the impact of this policy and it is reviewed at least every two years or in the event of a change in legislation or need.

Appendix 1

Ghanshyam Nursery School Use of Physical Intervention Incident Recording Form

Name of Child on whom Force was used:	
Class:	
Any SEND, vulnerability or medical information:	
Name of staff member who has used force:	
Name of other staff involved (directly or as witnesses)	
Date and time of incident:	
Location of Incident:	
Details of other children involved (directly or as witnesses), including whether any of the children involved were SEND, vulnerable or have medical needs.	
Description of incident by the staff involved, including any attempts to de-escalate and warnings given that force may be used:	
Reason for using force and description of force used:	
Any injury suffered by staff or children and any first aid and/or medical attention required:	
Reasons for making a record of this incident:	

Follow up, including post-incident support and any disciplinary action against children:	
Any information about the incident shared with staff not involved and external agencies:	
When and how those with parental responsibilities were informed about the incident and any views they have expressed:	
Has any complaint be lodged? (details should not be recorded here)	
Report compiled by:	
Name and role:	
Date:	
Report countersigned by:	
Name and role:	
Date:	

