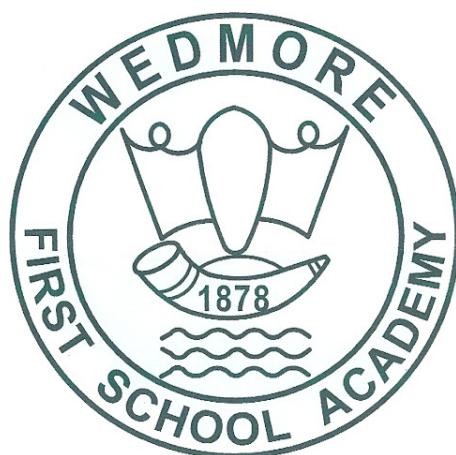


# Wedmore First School Academy



## **Use of Force by Staff to Control or Restrain Pupils :**

### **A Positive Handling Policy**

Date: March 2013

Review Date: March 2016

## **WEDMORE FIRST SCHOOL ACADEMY**

### **POLICY ON THE USE OF FORCE BY STAFF TO CONTROL OR RESTRAIN**

#### **PUPILS – A POSITIVE HANDLING POLICY**

##### **CONTEXT**

This policy operates within the aims, vision and mission statement of the school:

- We welcome all children
- We aim to establish a community in which every member is valued and respected
- We aim to provide a broad, balanced and well-structured curriculum
- We aim to create a positive, happy, safe and stimulating environment

This policy is based upon Somerset County Council's 'Use of Force to Control or Restrain Pupils' model policy. It should be read in conjunction with other school policies and guidance relating to interaction between adults and pupils, for example, Behaviour; Personal, Social and Health Education; Health & Safety, Child Protection and Safeguarding, and Special Educational Needs.

##### **OBJECTIVES**

At Wedmore First School Academy we believe that pupils and staff need to be safe, pupils know how to behave, and know that the adults around them are able to manage them safely and confidently. For a very small minority of pupils only will the use of force to control or restrain be needed, and, on such occasions, acceptable forms of intervention are used.

The majority of pupils behave well and conform to the expectations of our school. We have responsibility to operate an effective behaviour policy that encompasses preventative strategies for tackling inappropriate behaviour in relation to the whole school, each class, and individual pupils, thereby preventing serious breaches of school discipline and serious damage to property.

All the school staff need to feel able to manage inappropriate behaviour, and to have an understanding of what challenging behaviours might be communicating. They need to know what the options open to them are, and they need to be free of undue worries about the risks of legal action against them if they use appropriate physical intervention. Parents need to know that their children are safe with us, and they need to be properly informed if their child is the subject of the use of force to control or restrain them, including the nature of the intervention and the rationale for its use.

##### **WHAT THE LAW SAYS:**

Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- a) committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- b) causing personal injury to, or damage to the property of, any person (including the pupil himself); or
- c) prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.

It is always unlawful to use force as a punishment.

Therefore, force to control or restrain pupils will only be used in extreme circumstances in order to:

- Maintain the safety of pupils and staff
- Prevent serious breaches of school discipline
- Prevent serious damage to property

Examples of situations given by DfE when staff may use reasonable force include:

- Removing disruptive children from the classroom where they have refused to follow an instruction to do so
- Preventing a pupil behaving in a way that disrupts a school event, a school trip or visit
- Preventing 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
- Preventing a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground

### **MINIMISING THE NEED TO USE FORCE**

In our school we aim to:

- Create a calm environment
- Use PSHE to teach pupils how to manage conflict and strong feelings
- De-escalate incidents if they do arise
- Only use force when the risks involved in doing so are outweighed by the risks involved in not using force
- Draw up risk assessments and positive handling plans for individual pupils

### **STAFF AUTHORISED TO USE FORCE**

- All teachers and staff whom the head teacher has authorised to have control or charge of pupils automatically have the statutory power to use force.
- Others to whom the head teacher has given temporary authorisation eg supply staff or volunteer helpers on a school trip. Appropriate guidance will be given if they have not undertaken 'Team Teach' training. Volunteers would always be instructed to refer to a member of school staff for guidance first (unless the situation was critical eg. child in danger of running into a road).

## **DECIDING WHETHER TO USE FORCE**

Authorised staff should only use force when:

- The potential consequences of not intervening are sufficiently serious to justify considering use of force
- The chances of achieving the desired result by other means are low
- The risks associated in doing so are outweighed by the risks involved in not using force.

School staff (including people with temporary authorisation to have charge or control of pupils) will be kept informed about and advised how to deal with pupils who present particular risks to themselves or others (as a result of SEN and/or disabilities and/or other personal circumstances, such as domestic violence) by appropriate handover and liaison. For example, we have Health and Safety and Child Protection as routine agenda items at our weekly staff meetings.

## **USING FORCE**

- Before using force staff will, wherever practicable, tell the pupil to stop misbehaving and communicate in a calm and measured manner throughout the incident. Staff will make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.
- Staff must only use the minimum force necessary to achieve the desired result
- As far as possible staff should not use force unless or until another responsible adult is present to support, observe and call for assistance
- The age and emotional state of the pupil must be taken into account
- The particular needs of children with SEN or disabilities must be taken into account
- Every possible step must have been taken to de-escalate the situation
- Staff must be able to show that there were good grounds for believing that immediate action was necessary and that the intervention used was appropriate to the incident

## **TYPES OF FORCE**

These may include:

- Passive physical contact resulting from standing between pupils or blocking a pupil's path
- Active physical contact such as:
  - i) leading a pupil by the hand or arm
  - ii) ushering a pupil away by placing a hand in the centre of the back
  - iii) in more extreme circumstances, using appropriate restrictive holds
- Where there is a high and immediate risk of death or serious injury (eg a pupil running off the pavement onto a busy road), any member of staff is justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result).
- Staff will make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a pupil.
- Staff will always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

## **STAFF TRAINING**

In our school, we have adopted the Team Teach approach to staff training. The majority of staff are fully accredited and update their skills/re-accredit every three years. 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.

It is the responsibility of the deputy head to ensure that Team Teach training is available to staff and is kept up to date. A list of all staff trained is kept in the Child Protection/Safeguarding file. The list is reviewed on an annual basis to identify any staff in need of training.

We consider **all** staff to have a responsibility for pupil behaviour. However, no member of staff will be expected to use Team Teach techniques without appropriate training. Prior to the provision of training, guidance will be given on action to be taken. Arrangements will be made clear as part of the induction of new staff and training will be provided as part of on-going staff development.

## **RECORDING INCIDENTS**

Systematic records of significant incidents will be kept. Appendix 4 sets out the criteria for deciding whether an incident should be recorded. Appendix 5 is the form used for recording incidents. Completed forms will be stuck in the bound safeguarding incidents book in the main office.

## **REPORTING INCIDENTS**

All recordable incidents will be reported to parents, initially in person or by telephone and then confirming details in writing. Parents will also be given a copy of this policy and information on post-incident support.

All injuries will be recorded and reported under the RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995) procedures.

Governors will be informed by the headteacher of any incident. External agencies will be consulted and informed as appropriate.

## **POST-INCIDENT SUPPORT**

- Immediate action will be taken to deal with any injuries
- Emotional support will also be given to staff and pupils involved, as well as to other pupils who may have been upset by the incident
- Meetings with pupil, parents, staff and appropriate agencies will be arranged to discuss the incident and set up support arrangements: behaviour plans; sanctions; rebuilding of relationships; development of strategies to avoid future incidents; development of social and emotional skills
- All involved will be given opportunities to analyse, reflect and learn from the incident

## **DEALING WITH COMPLAINTS AND ALLEGATIONS**

- Any complaints from pupils or parents about actions of school staff will be dealt with either under the school's complaints procedure, or by following the guidance set out in Safeguarding Children and Safer Recruitment
- If a member of staff has been assaulted they may consider reporting the incident to the police.

## **MONITORING**

This policy will be reviewed and approved every three years.

## **IMPACT ASSESSMENT**

We have carried out an impact assessment on this policy on different groups of people to ensure that our proposals are not discriminative and promote equal opportunities.

Signed:

Date:

## **APPENDICES:**

1. Summary of dos and don'ts
2. Risk Assessment
3. Developing a Positive Handling Plan
4. Recordable incidents
5. Recording form

## **APPENDIX 1: SUMMARY: USE OF FORCE – DOS AND DON'Ts FOR STAFF**

### **Do:**

- know the school policy and other related policy documents;
- discuss with a senior member of staff if you are unsure about any aspects of the policy;
- be aware of pupils individual characteristics;
- always assess a situation before acting;
- always stay calm, and do not overreact;
- remember that you have an obligation to safeguard the welfare of pupils in your care;
- report concerns over physical contact between other staff and pupils to your line manager;
- record any serious incidents in the appropriate format as soon as possible;
- make sure you are not alone.

### **Don't:**

- place yourself at risk through the actions you undertake;
- act in anger;
- have any physical contact with a pupil in a private situation;
- have frequent physical contact with the same pupil;
- allow situations to get out of control.

**There should be a Plan of Action ready for any pupil who has or is likely to have challenging behaviour, and training/guidance should be available from the Head Teacher and from Support Services.**

**The use of force to control and restrain a pupil is a last resort when all other options have failed.**

## **APPENDIX 2: Risk Assessment of Restrictive Physical Intervention**

Before any Restrictive Physical Intervention, the risks of the action must be assessed. The risks may be to the pupil themselves, to other pupils, to adults, or to property.

The term “risk” refers to any circumstances that leads to an adverse outcome for the child or others. Risk assessment and management is a process that helps staff and others to consider the risk issues, act reasonably, and learn from what happens.

As a general rule, schools should:

- explore why pupils behave in ways that pose a risk;
- understand the factors that influence the behaviour;
- recognise the early warning signs;
- develop skills to manage difficult situations.

Overall, staff need to assess the whole situation for risk, try to predict situations when risks may occur, and assess how likely it is that unacceptable behaviour requiring physical intervention will occur.

The main risks to pupils are:

- injury;
- pain, distress and/or psychological trauma;
- increased risk of abuse;
- undermining of personal relationships;
- undermining the dignity of the pupil;
- that the strategy becomes an unnecessarily routine one.

The main risks to staff are :

- injury;
- distress or psychological trauma as a result of an intervention;
- the legal justification is challenged;
- disciplinary action.

The main risks for not intervening include :

- breaching the staff duty of care;
- pupils and/or staff will be injured or abused;
- serious damage to property.

There is the possibility of litigation in respect of the three risk groups detailed above. To safeguard all concerned, a record needs to be kept of risk reduction options that have been examined and discounted, as well as those adopted.



### **APPENDIX 3: Developing a Positive Handling Plan**

Research evidence shows that the greatest injury to pupils occurs where interventions are unplanned and have not been carefully thought through.

All staff need to adopt a positive approach to behaviour management, and the school should work in partnership with parents/carers and support staff to:

- find out why the pupil behaves the way he/she does;
- understand the factors that are influencing the pupil's behaviour;
- identify early warning signs that indicate foreseeable behaviours may be developing.

School staff will need to refer to the Behaviour Policy when developing an Individual Education/Behaviour Plan which should be formally agreed and recorded, and set out the actions to:

- meet the pupil's needs;
- encourage the pupil to make positive choices and develop self-control;
- support the pupil in difficult situations;
- plan and manage crises if they occur.

If a school has identified a pupil for whom it is felt a Restrictive Physical Intervention is likely to be requested, then they should formulate a Positive Handling Plan. The plan needs to be created by school staff in partnership with support staff who work in the school as well as parents/carers. The plan should be written, agreed by all concerned, and, to safeguard staff, parents must sign to say that they agree with the plan.

The DfE make it very clear that any members of staff who are expected to use a physical intervention **must be provided with appropriate Physical Intervention training** so that their actions reduce the chance of injury to themselves and others. This is provided using Team Teach training.

## **APPENDIX 4: Recordable Incidents**

Checklist to help decide whether an incident involving the use of force should be recorded.

1. Did the incident cause injury or distress to a pupil or member of staff?
2. Even though there was no apparent injury or distress, was the incident sufficiently serious in its own right to require a written record? Any use of restrictive holds would fall into this category.
3. Is a written record needed to be able to justify the use of force? This is particularly relevant where the judgement was very finely balanced.
4. Is a record needed to help identify and analyse patterns of pupil behaviour or staff training needs?
5. Were other agencies involved, such as the police?

If the answer to any of these questions is 'yes', it would be strongly advisable to make a written record. Such records can provide evidence of defensible decision making in case of a subsequent complaint or investigation.

**APPENDIX 5: Form to record incident of use of force by staff to control or restrain pupils**

**Wedmore First School Academy**

**Record of Incident involving use of force by staff to control or restrain pupils**

**Pupil Name:**

**Class:**

**Date/Time:**

**Completed by:**

**Information passed to and discussed with:**

**Action:**

