

# Ysgol Dyffryn School



## Care Control and the Use of Force

□ **Policy Statement**

- 1.1 The aim of this school's policy is to assist all staff in schools to deal effectively with challenging behaviour: to ensure that staff are protected from harm and to ensure that pupils are protected from any form of physical restraint or intervention which is inappropriate.
- 1.2 This policy provides direction on the powers of school staff in using force, as set out in Section 93 of the Education and Inspectors Act 2006. These powers commenced in October 2010 and replaced Section 550A of the Education Act 1996. This guidance should be seen within the framework of Welsh Assembly Government Circular 3/99, Inclusion and Pupil Support (47/2006), Welsh Office Circular 37/98, 41/2010, (The Use of Force to Control or Restrain Pupils Safe and Effective Intervention) The Welsh Assembly Guidance, (Framework for Restrictive Physical Intervention Policy and Practice-March 2005) and the Department of Health Guidance on restrictive physical interventions for people with learning disability and autistic spectrum disorder in health, education and social care settings. In addition, it should be considered alongside the overall suite of guidance on aspects including those for exclusions, tackling bullying and the SEN Code of Practice.
- 1.3 At Dyffryn we work to ensure each individual pupil is able to reach his or her potential.
- 1.4 Every child is entitled to learn and every teacher is free to teach in an environment that is safe, secure and free from distraction. The guiding principles to achieve this should be established in the policy on positive behaviour management.
- 1.5 Staff of Dyffryn are committed to providing the highest standards in protecting and safeguarding the welfare of children and young people entrusted to its care. We recognise there is a need to intervene when there is an obvious risk of safety to pupils, staff and property.
- 1.6 For the most part this is achieved through the fostering of good relationships, and the normal application of positive behaviour management to support and intervene. However, in exceptional or extreme circumstances this may involve the use of reasonable force.
- 1.7 It should be emphasised that if used at all, restraint (referred to in this document as positive handling) should be seen in the context of a further positive action of care and concern. In line with WAG guidance, it is used as a last resort option and in the most extreme cases, other strategies will always have been attempted first.
- 1.8 As best practice regarding positive handling, this policy should be considered alongside other relevant school policies, specifically those involving behaviour, health and safety and child protection.

## **What is the legal use of restrictive physical intervention to control pupils?**

- 1.9 Teachers and other persons authorised by the Headteacher to have charge of pupils, may use reasonable force to prevent pupils:
- Causing injury to themselves or others.
  - Committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility).
  - Causing serious damage to property.
  - Causing disruption by engaging in behaviour which is serious, prejudicial to good order and discipline.
- 1.10 Reasonable force has no legal definition but:
- Staff must take into account the circumstances of the incident, age, sex and development of the pupil.
  - The degree of force must be proportional to the seriousness of the situation, behaviour or consequences it is intended to prevent, and always be the minimum force needed.
  - Force could not be justified for a trivial misdemeanour or a situation that could be resolved without it.
  - Everyone has the right to self-defence provided they do not use a disproportionate degree of force.
  - Corporal punishment is illegal.

### **Objectives of this Policy**

- 1.11 To provide all staff, parents and pupils with an understanding of care and control and the use of force.
- 1.12 To emphasise the use of positive handling is:-
- Part of a positive care and control approach to discipline and welfare as a last resort, or a necessary expedient option to be used in extreme circumstances.
  - To ensure that all members of staff or authorised persons who may have to positively handle pupils clearly understand the options and strategies open to them.
  - To use minimum force, provide maximum care and resolve in minimum time.

### **Who Can Use Reasonable Force?**

We recognise that most of time positive handling will be used infrequently, that is, as a last resort to maintaining a safe environment.

The staff to which this power applies are defined in section 95 of the Act. They are:

- Any teacher who works at the school, and any other person whom the Headteacher has authorised to have control or charge of pupils.
- Includes support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors.
- Can also include people to whom the Headteacher has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying pupils on school-organised visits).
- Does not include prefects.

### **Circumstances where reasonable force might be appropriate**

Before using force staff should, wherever practicable, tell the pupil to stop misbehaving and communicate in a calm and measured manner throughout the incident. Staff should not act out of anger or frustration, or in order to punish a pupil, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

Restrictive physical intervention is only to be used to prevent serious harm and is consistent with the promotion of an individual's welfare. The application of restrictive physical intervention must always be an option of last resort and must always be the minimum action necessary to manage the situation as safely as possible and taking account of any known health problems.

The types of force used could include:

- Passive physical contact resulting from standing between pupils or blocking a pupil's path.
- Active physical contact such as:
  1. leading a pupil by the hand or arm.
  2. ushering a pupil away by placing a hand in the centre of the back.
  3. in more extreme circumstances, using appropriate restrictive holds, which require specific expertise or training.

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a pupil running off the pavement onto a busy road or preventing a pupil from hitting someone with a dangerous object.

Staff should 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 should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

We recognise that some children may not be able to control their reaction to events as well as others and at times may place themselves or others at risk through their uncontrolled behaviour. As indicated previously, reasonable force might be appropriate when action is necessary in self-defence or because of imminent risk of injury e.g.

- pupil attacks a member of staff, another pupil, attempts self-injury, pupils are fighting.
- pupil running in stairway or corridor in a way that is likely to cause injury to self or others.
- pupil absconds from a class or tries to leave school and who would be judged to be at risk if not kept in the classroom or at school.

There is a serious and developing risk of damage to property, including the pupil's own property. E.g.

- pupil is causing or about to cause deliberate damage or vandalism.
- pupil is causing or at risk of causing injury or damage by accident, rough play, misuse of dangerous materials or objects.

Where pupil's behaviour is seriously prejudicial to good order and discipline e.g.

- pupil persistently refuses to obey an order to leave the classroom.
- pupil is behaving in a way that is seriously disrupting a lesson.

N.B. Wherever possible early support from colleagues will be sought. Single handed intervention increases the risk of injury to both parties and does not provide the person intervening with the support of a colleague acting as a critical friend.

Strategies other than force will be considered. Examples:

- Providing the disruptive pupil with a choice of locations to exit.
- Giving clear directions.
- Allowing take-up time thus allowing a face-saving opportunity.
- Removing the audience, i.e. requesting that other pupils leave the room.

- Implementing Team Teach helps protocols so that another member of staff takes over the strategic lead of the incident, if he/she feels it is appropriate to do so.

## **Procedures and practical considerations during specific incidents**

Wherever practicable staff are expected to:

- Use a calm and measured approach.
- Tell the pupil to stop, remind them of consequences, tell them what will happen if she/he does not stop.
- Seek assistance from other colleagues at as early a stage as possible.
- Staff who become aware that another member of staff is intervening physically with a pupil have a responsibility to provide a presence, and to offer support and assistance should this be required.
- Try to defuse the situation orally and prevent escalation.
- Try to remove the pupil from the peer audience.
- Attempt to communicate with the pupil throughout the incident.
- In as calm a manner as possible, explain that the reason for intervention is to keep the pupil and others safe.
- Make it clear that positive handling will stop as soon as the pupil calms and the risk assessment indicates it is no longer necessary.
- If it is not possible to control the extreme pupil without risk of injury to yourself or others, remove the other pupils who may be at risk and summon assistance.

It is good practice to:

- Give the impression you are in control.
- Give the impression you have not lost your temper or are not acting out of anger or frustration.
- Give the impression you are not trying to punish the pupil
- Call for assistance.
- Intervene with the support of a colleague acting as a critical friend.

## **Application of force during specific incidents**

1.13 Methods that staff may use in appropriate circumstances where a risk assessment judgement supports this:

- Physically interposing themselves between pupils.
- Blocking a pupil's path.
- Using classroom furniture to restrict movement.
- Leading by the arm.
- Shepherding a pupil away by a light touch on the elbow or near the shoulder.
- Assertive guiding – remembering this is the positive application of force to control a pupil and would be used in rare circumstances, e.g. if the pupil is in extreme danger and no other

alternative is available, or where reasonable force is used to assist a pupil's movement.

- Holding – for security and to reduce anxiety where there is potential risk, even if the pupil is not yet out of control. The purpose is to defuse or prevent escalation.
- When intervening staff should take care that their actions should in no way be capable of being interpreted as aggressive. All holds are devised to minimise the risk of injury. They should not cause pain.
- Where pupils are presenting with more challenging behaviour which may require more restrictive holds, it is important that these techniques have been delivered by appropriately qualified Team Teach instructors in line with Team teach protocols.

### **Situations where staff should not normally intervene without help**

A member of staff should not intervene in an incident without help, unless it is an emergency. Schools should have communication systems that enable a member of staff to summon rapid assistance when necessary. Help may be needed in dealing with a situation involving an older or physically stronger pupil, a large pupil, more than one pupil or if the authorised member of staff believes he or she may be at risk of injury. In these circumstances he or she should take steps to remove other pupils who might be at risk and summon assistance from other authorised staff, or where necessary phone the police.

Staff may not carry out action that might reasonably be expected to injure by:

Holding a pupil around the neck, or by the collar, or in any other way that might restrict the ability to breathe.

- Slapping, punching or kicking a pupil.
- Twisting or forcing limbs against a joint.
- Tripping a pupil.
- Holding or pulling the pupil by the hair.

As the Welsh Assembly Government categorically states, '**under no circumstances should any individual ever be restrained in a face down position**' Page 6 Framework for Restrictive Physical Intervention Policy and Practice.

Other considerations for non-urgent situations where the risk to people or property is not imminent:

- Consider carefully whether positive handling is the right course of action.
- Try to deal with the situation through other strategies before using force.
- Try to defuse and calm the situation to establish good order, the use of positive handling could lead to an escalation of the problem.

- Take into account the age, understanding, personal characteristics of the pupil.
- The use of positive handling to enforce compliance is likely to be increasingly inappropriate with older pupils.
- Never use force as a substitute for good behaviour management.
- In non-urgent situations force should only be used when all other methods have failed.

## **Reporting and recording incidents**

Should an injury occur as a result of an incident at school, immediate steps will be taken to secure appropriate medical attention. This will be reported and recorded in accordance with NeathPort Talbot LEA policy.

All incidents that result in restraint (where a child has to be held) will be recorded in detail using Form R, or if a positive handling plan is in place, then a record of the incident will be recorded and the positive handling plan reviewed accordingly.

Restraint is **“the positive application of force with the intention of overpowering the client” (DOH 4/93 Section 5.2)**. Welsh Assembly Government (March 2005) guidance defined the term “Restrictive physical interventions” as “direct physical contact between persons where reasonable force is positively applied against resistance, either to restrict movement or mobility or to disengage from harmful behaviour displayed by an individual”.

The member of staff concerned will report the matter orally to the Head or a senior member of staff as soon as possible. If needed, the staff member should be provided with an appropriate amount of time to complete the documentation. The incident will be recorded in the Incident Book by staff at the earliest opportunity.

Staff may wish to seek advice from a senior colleague or their professional association when compiling a report. A written report should be completed within 24 hours of the incident’s occurrence, and should be signed and dated. Staff are advised to keep a copy of the report for themselves...

The Head or his/her deputy will tell parents about the incident by the end of the school day. However, if parents cannot be reached a letter will be sent to inform them of the incident and offer them the opportunity to discuss the matter.

Other witnesses to the incident, staff, pupils, will also complete reports. These will be signed and dated.

A bound numbered log will be kept of any occasion when positive handling is used (except minor or trivial incidences).

When positive handling has been used and pupils have been held using techniques, the wrap, single, double elbows or the shield, Form R will also be

completed and signed by the member(s) of staff involved. Reports will also be completed and attached from other members of staff present and the pupil(s) involved. The Incident Report will be signed by the Head, teacher involved and a copy will be sent to the Local Safeguarding Children Board Management Group.

The Incident Book will be reviewed by the Headteacher and the Local Safeguarding Children Management Group on at least an annual basis to consider control measures and possible training or further training needs etc.

A copy of the Form R will be placed in the pupil's file.

### **Debrief following serious incident**

Pupils and members of staff will be checked for any sign of injury and first aid will be administered if required.

The pupil and staff member/s involved will be given time to become calm while staff continue to supervise him/her. When the pupil regains complete composure, a senior member of staff will discuss the incident with the pupil and try to ascertain the reason for it. The pupil will be given the opportunity to explain things from his/her point of view. All necessary steps will be taken to re-establish the relationship between the pupil and the member/s of staff involved in the incident. In cases where it is not possible to speak to the pupil on the same day, the debrief will occur as soon as possible after the pupil returns to school.

All members of staff involved will be allowed a period to debrief and recover from the incident. This may involve access to external support. A senior member of staff will provide support to the member of staff involved.

### **Other procedures concerning incidents**

In addition to reporting incidents to the Local Safeguarding Children Management Group, the governing body should be informed of incidents on, at least, a termly basis.

Help, support and reassurance will be given where appropriate to any individual/s involved.

Where possible an attempt will be made to help the pupil modify their behaviour.

Where possible, the pupil should apologise, this should be meaningful or appropriate. If this cannot be undertaken then other consequences/sanctions reparations and monitoring should take place.

In extreme cases exclusion could be considered.

## **Planning for incidents and meeting training needs**

If we are aware that a pupil is likely to require positive handling on more than one occasion we will plan how to respond in line with Team Teach protocols and guidance. This will include involving the parents and any other relevant person to ensure they are clear about what specific action we might need to take and obtaining medical advice if the child has any specific health needs. A risk assessment and a positive handling plan will be drawn up, in consultation with all concerned and included as part of the pupil's Individual Educational Plan (IEP) or Pastoral Support Plan (PSP). It will be regularly reviewed by the SENCO or assigned member of the Senior Management on a termly basis.

Staff involved will, through risk assessment, have identified their training needs in this area. In cases where it is known that a pupil will require positive handling appropriate training will be provided.

## **Arrangements for informing parents**

At the outset of the introduction of this policy, all parents/carers will be sent a letter outlining its introduction with information about how they can obtain their own copy.

Thereafter, a section about the school's legal duty to maintain a safe environment and the possible use of positive handling (as a very last resort) with pupils will be included in the school brochure/prospectus/report.

For some children there may be the need to use specific techniques to routinely manage their challenging behaviour. This will be recorded in their IEP/Behavioural Plan, Positive Handling Plan or Pastoral Support Plan (PSP). Such arrangements will be fully discussed with parents/carers, on an individual basis, in advance of their implementation. All intervention will be routinely recorded and monitored.

All parents will be informed by telephone and in writing after an incident where positive handling is used with a pupil.

The school will ensure that a record of the communication is made, with a copy of the written communication kept in the pupil's file.

## **Physical contact with pupils in other circumstances**

Staff must be sensitive to matters relating to culture and gender issues and any known individual characteristics or special circumstances relating to pupils.

Some physical contact may be necessary e.g. during P.E. lessons, sports coaching or CDT, or if a member of staff has to administer first aid or medication.

Young children and children with SEN may need staff to provide physical prompts or help. Physical contact must always be age appropriate and done openly.

### **Staff training**

As with other forms of professional development, decisions about training in physical intervention are best made by individual schools in the light of their particular needs and circumstances. The Headteacher will ensure that any such training is current and in line with local policy guidance.

### **Complaints**

This policy is in accordance with the WAG Guidance 03/2004, Circular 01/2004 and 47/2006; as such, those acting in accordance with it, providing they act in good faith, working within the authority guidelines, will be positively supported in their actions.

Involving parents when an incident occurs, and having our clear policy about physical contact with pupils that staff adhere to will help avoid complaints from parents. Providing staff with approved training will also help.

All complaints will be recorded and followed up by the Headteacher or their representative in the first instance. Where appropriate the Authority will be notified/kept informed.

A complaint or dispute about the use of force by a member of staff might lead to an investigation under disciplinary procedures or by the Police under Child Protection procedures.

Approved by the Governing Body on 20<sup>th</sup> September, 2016

Signed : .....(Chair of Governors)

Next review September 2017

