



Rhydri Primary School
Policy on the Use of Reasonable Force to Control or Restrain Pupils

(This policy is based on the Caerphilly County Borough Council (CCBC) model and is provided within the context of the guidance contained in Section 93 of the Education and Inspections Act 2006. These powers commenced in October 2010 and replaced Section 550A of the Education Act 1996, with minor changes. The legal context and guidance has been taken from the Welsh Government's document Safe and effective intervention - use of reasonable force and searching for weapons and section 93 of The Education and Inspectors Act 2006. These powers commenced in October 2010 and replaced section 550A of the Education Act with minor changes.)

This policy should be read in conjunction with the school's behaviour policy, child protection and relevant safeguarding policies.)

Local Context

The policy and advice set out in this document provide a framework of principle within which judgements by staff should be made, and specific incidents addressed. Bedwas Junior School should provide a safe working environment for young people, staff and visitors.

Staff should be aware that their employment imposes on them a duty of care in order to maintain an acceptable level of safety. Written guidelines cannot anticipate every situation. It is, however, the intention of this document to offer both young people and staff a level of protection.

Legal Context

1. There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result.
2. The statutory power conferred by Section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence, to prevent another person from being injured or committing a criminal offence. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is only available to people authorised to have control or charge of pupils.
3. Reasonable force may also be used in exercising the statutory power, introduced under Section 45 of the Violent Crime Reduction Act 2006, to search pupils, without their consent, for weapons. However the Welsh Assembly Government strongly advises schools not to search pupils where resistance is expected, but rather to call the police.
4. It is always unlawful to use force as a punishment. This would fall within the definition of corporal punishment, abolished by Section 548 of the Education Act 1996.

Principles

1. All school staff members have a legal power to use reasonable force to prevent pupils committing a criminal offence, injuring themselves or others, or damaging property; and to maintain good order and discipline amongst pupils.
2. The focus should be on preventing, as far as possible, the need for the use of force on pupils, by creating a calm, orderly and supportive school climate that lessens the risk and threat of violence of any kind.
3. The use of force should only be a last resort, schools should minimise the possibility of force being needed. This may not always be possible and in such circumstances staff should be aware of sensitivities associated with any form of physical contact with pupils.
4. Schools should not restrict the ability of staff to use force by adopting a 'no-contact' policy. The power to use force helps ensure pupil and staff safety. A 'no-contact' policy may place a member of staff in breach of their duty of care towards a pupil, or prevent them taking an action needed to prevent a pupil causing injury to others or damage to property.

Positive Behaviour Management Strategies

The use of restrictive physical interventions should always be considered within the wider context of other positive behaviour management strategies, which underpin the school's ethos. These include establishing and maintaining good relationships with children and using diversion, diffusion and negotiation to respond to difficult situations. Use of physical force that is unwarranted, excessive or punitive is not acceptable. Failure to comply with this principle, when considering or using physical force, will be dealt with under school disciplinary procedures.

Although preventative measures will not always work, there are a number of steps which the schools can take to help reduce the likelihood of situations arising where the power to use force may need to be exercised. These include:

- creating a calm, orderly and supportive school climate that minimises the risk and threat of violence of any kind;
- developing effective relationships between pupils and staff that are central to good order;
- adopting a whole-school approach to developing social and emotional skills such as the Social and Emotional Aspects of Learning (SEAL) programme;
- taking a structured approach to staff development that helps staff to develop the skills of positive behaviour management; managing conflict and also to support each other during and after an incident.
- effectively managing individual incidents. It is important to communicate calmly with the pupil, using non-threatening verbal and body language and ensuring the pupil can see a way out of a situation. Strategies might include, for example, going with the staff member to a quiet room, away from bystanders or other pupils, so that the staff member can listen to concerns; or being joined by a particular member of staff well known to the pupil; and wherever practicable, warning a pupil that force may have to be used before using it.
- Develop positive handling/behavior management plans for individual pupils assessed as being at greatest risk of needing restrictive physical interventions in consultation with the pupil and his or her parents or carers. Positive Handling plans set out the techniques that should be used and those that should not normally be used. Any planned potential use of physical intervention should be compatible with a pupil's statement and properly documented in school records.

As far as practically possible, staff who come into contact with such pupils should be aware of the relevant characteristics of those individuals, particularly:

- situations that may provoke difficult behaviour, preventive strategies and what de-escalation techniques are most likely to work;
- what is most likely to trigger a violent reaction, including relevant information relating to any previous incident requiring use of physical intervention; and
- if physical intervention is likely to be needed, any specific strategies and techniques that have been agreed by staff, parents and the pupil concerned.

The judgment on whether to use force and what force to use should always depend on the circumstances of each case and - crucially in the case of pupils with SEN and/or disabilities - information about the individual concerned.

Decisions on whether the precise circumstances of an incident justify the use of significant force must be reasonable. Typically such decisions have to be made quickly, with little time for reflection. Nevertheless, staff should make the clearest possible judgments about:

- the seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if force is not used. The greater the potential for injury, damage or serious disorder, the more likely it is that using force may be justified;
- the chances of achieving the desired result by other means. The lower the probability of achieving the desired result by other means, the more likely it is that using force may be justified; and
- the relative risks associated with physical intervention compared with using other strategies. The smaller the risks associated with physical intervention compared with other strategies, the more likely it is that using force may be justified.

Examples of situations that particularly call for judgments of this kind include:

- a pupil attacks a member of staff, or another pupil;
- pupils are fighting, causing risk of injury to themselves or others;
- a pupil is committing, or on the verge of committing, deliberate and serious damage to property;
- a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- a pupil absconds from a class or tries to leave school other than at an authorised time.

Risk assessments

1. The leadership team and/or Inclusion team will assess the frequency and severity of incidents requiring use of force that are likely to occur in school. The school will also create individual risk assessments where it is known that force is more likely to be necessary to restrain a particular pupil, such a pupil whose SEN and/or disability is associated with extreme behaviour.
2. A member of staff who has not received 'team teach' training should not intervene in an incident without help, unless it is an emergency. School has a communication systems using key fobs that enables a member of staff to summon rapid assistance when necessary.
3. If there 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 such as a glass bottle or hammer.
4. 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.

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

Staff Training

The preferred model of training promoted by the LA is 'Team Teach'. Staff within school who work on a regular basis with pupils with challenging behaviour receive training through the LA. 'Team Teach' training covers techniques for avoiding or defusing situations in which physical intervention might become necessary as well as methods of physical intervention. Training should be updated every 3 years.

Recording and Reporting Incidents

The schools will maintain systematic records of every significant incident in which force has been used, in accordance with school policy and procedures on the use of force and its child protection requirements. The purpose of recording is to ensure policy guidelines are followed, to inform parents, to inform future planning to prevent a reoccurrence of the incident. Where possible, the child is provided with an opportunity to express his/her view.

Following an incident the following forms will be completed by the school:

- Physical Intervention Incident Recording Sheet.
- Violence At Work form (where appropriate)

The member(s) of staff involved in an incident is usually best placed to compile the record. Differing accounts given of the same incident will also be recorded. This will then be checked by the Head Teacher and/or Deputy Head Teacher who both take responsibility for safeguarding. A signed copy of the form will be saved in the child's school records.

The form(s) forwarded to the LA within 24 hours of the restraint taking place via email to restraint@caerphilly.gov.uk or faxed to 01443 866725. Where appropriate, a representative from the LA will undertake follow up work with the school to ensure that appropriate arrangements are in place in relation to physical intervention.

Although they will be informed on the details of the incident, parents/carers will not be given a copy of the record as a matter of course. If a copy of the incident record is not provided, the parent/carer is entitled to see the educational record free of charge, within 15 school days of receipt of the parent's written request.

When schools comply with a request to see or to have a copy of a pupil's educational record there is some information that must not be disclosed. This is any information that the child him/herself could not lawfully be given under the Data Protection Act 1998, or to which s/he would have no right of access under that Act or by virtue of any order made under section 30(2) or section 38(1) of it.

When recording such incidents, staff should bear in mind that, if this information is later passed to the police, it may be included in a DBS disclosure. Schools should retain records of such incidents until the member of staff involved has reached normal retirement age or for 10 years from the date of the allegation if that is longer.

Incidents, where staff have had to deploy restraint techniques on challenging pupils, will be reported to the 'SEN and Pupil Wellbeing' sub-committee of the school's Governing Body.

Post-incident support

Incidents that require use of restrictive physical interventions can be upsetting to all concerned and result in injuries to the child or staff. After incidents have subsided, the school will endeavor to ensure that staff and children are given emotional support and basic first aid treatment for any injuries. Immediate action should, of course, be taken to ensure that medical help is accessed for any injuries that require other than basic first aid. All injuries will be reported and recorded in accordance with school procedures.

Parent/Carers Partnership

The school is committed to working in partnership with parents/carers and recognises their role is crucial in ensuring that a duty of care is exercised to both pupils and staff in relation to the use of physical intervention.

After any recordable incident, parents should always be informed. Wherever possible, it is best to telephone parents as soon as possible after the incident before confirming details in writing. It is also good practice for parents to be given a copy of the school's policy on the use of force and information on post-incident support.

This policy will be uploaded to the school blog and a paper copy will be available in the school reception area.

Physical Contact with Pupils in Other Circumstances

There are occasions when physical contact with a pupil may be proper or necessary other than those covered by Section 93 of the Education and Inspections Act 2006. Some physical contact may be necessary to demonstrate exercises or techniques during physical education lessons, design and technology etc. or if a member of staff has to administer first aid. Young children and those with SEN may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is being congratulated or praised, or where the pupil is in distress and needs comforting. Teachers will use their own professional judgement when they feel a pupil needs this kind of support. However, staff should be aware of cultural differences, gender differences between staff and pupils and vulnerable children with emotional and social difficulties. Staff should also be aware that even innocent and well-intentioned physical contact can sometimes be misconstrued.

Dealing with Complaints and Allegations in Relation to the Use of Physical Intervention

Parents/carers and pupils have a right to complain about actions taken by school staff following the school's complaints policy and procedure. The school will follow the guidance set out in the 'All Wales Child Protection Procedure's if a specific allegation of abuse is made against a member of staff. The school procedures will include:

- Liaising with the 'Contact and Referral Team', Children's Services in accordance with the local guidance document 'Child Protection Recording and Reporting and Disclosure Guidance for Schools and other Educational Settings'.
- Inform the 'Human Resource' department as a matter of urgency whereby further advice and guidance including the necessity for risk assessment will be provided.

Policy reviewed by the Inclusion Team
July 2015

To be reviewed January 2017

Signed by Chair of Governors _____