



YSGOL GYMUNEDOL
PORTH
COMMUNITY SCHOOL

The use of Reasonable Force to Control Pupils Policy

Date Created: 15th October 2019

Review Date: October 2020

Chair of Governors – David Brookes

Signed:

A handwritten signature in black ink, appearing to read 'D. Brookes'.

Date: 15.10.2019

Headteacher – Yvonne Jones

Signed:

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Date 15.10.2019

Policy on the use of Reasonable Force to Control Pupils

Introduction

The Governing Body of Porth Community School has adopted the LA policy on the use of reasonable force to control pupils and required training for staff has been undertaken under LA supervision. The head teacher will ensure that training is refreshed as advised and that new staff receive appropriate induction.

This document should be read in conjunction with the WG Document Framework for Restrictive Physical Intervention Policy and Practice and RCT LA Policy in the use of physical interventions. They have been written to make explicit the expectations the "RCT LA" has of school staff and those responsible for their training. Staff acting in good faith, working within these guidelines and protocols will be positively supported in their actions.

Both children and staff have rights. This document attempts to ensure that staff have a safe, supportive, carefully managed and monitored environment, and that children's needs, safety and rights are respected and nurtured.

The school's Discipline, Behaviour and Anti Bullying Policy should also be referred to, to ensure the wider context in which this document is executed is understood.

Policy statement

This policy is based on WG Guidance "Framework for Restrictive Physical Intervention Policy and Practice on the Use of Restrictive Interventions for Pupils with Severe Behaviour Difficulties and the preceding Legislation with Circular 3/99 and the 1996 Education Act 550A.

At Porth Community School we work to ensure each individual pupil is able to reach his or her potential. 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 is apparent in our Discipline, Behaviour and Anti Bullying Policy.

Staff of Porth Community School are committed to providing the highest standards in protecting and safeguarding the welfare of the children and young people entrusted to its care. We recognise there is a need in line with the 1996 Education Act Section 550A, to intervene when there is an obvious risk of safety to pupils, staff and property.

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.

It should be emphasised that if it is 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 WG advice and guidance 2005, it is used as a '**last resort**' option and in the most extreme cases, other strategies will always have been attempted first.

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 Reasonable Force to Control Pupils?

Teachers and other persons authorised by the Head teacher 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 seriously prejudicial to good order and discipline.

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 of 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 disproportional degree of force
- Corporal punishment is illegal

Objectives of this Policy

- To provide all staff, governors, parents and pupils with an understanding of care and control and the use of force.
- To emphasise that the use of positive handling is:
 - Part of a positive care and control approach to discipline and welfare
 - 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.

Who can use Reasonable Force?

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

All the teaching staff are by nature of their roles authorised to use positive handling as appropriate. Non-teaching staff require specific authorisation. This authorisation can only be given by the Head teacher or someone deputising in his/her absence. Authorised staff will be notified formally. A list of authorised staff is available.

Circumstances when Reasonable Force Might be Appropriate?

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 above, reasonable force might be appropriate when:

- Action is necessary in self-defence or because of imminent risk of injury.

Examples:

- Pupil attacks a member of staff, another pupil, attempts self injury, pupils are fighting
 - Pupils 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 at school.
- There is a serious and developing risk of damage to property, including the pupil's own property.
Examples:
 - 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
Examples:
 - Pupils persistently refuses to obey an order to leave a classroom
 - Pupil is behaving in a way that is seriously disrupting a lesson

NB: 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 to
 - 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 if this is manageable considering the young age of our children and any health and safety and supervision concerns.
 - Implementing Team teach help 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 other, 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 and 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

Methods that staff may use in appropriate circumstances where a risk assessment judgements 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 use 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('caring C')
- 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.

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

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 records kept in accordance with RCT LA policy

All incidents that result in restraint (where a child has to be held) will be recorded in detail using a Serious Incident Record, or if a Positive Handling Agreement is in place, then a record of the incident will be kept and the Positive Handling Agreement reviewed accordingly.

The head teacher will use discretion in line with the age, maturity and needs of the child e.g. a three year old having regular tantrums will not require the same level of recording as an older child identified with Behavioural Difficulties.

Restraint is **“the positive application of force with the intention of overpowering the client” (DOH 4/93 Section 5.2). Welsh 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 required the incident will be recorded in the Serious Incident Record Book by staff at the earliest opportunity.

Where a child has frequent interventions due to an identified Special Educational Need an individual Incident Report Book will be kept. This will be reviewed regularly by the Head teacher who will judge if more formal records are required.

Staff may wish to seek advice from a senior colleague of their professional association when completing 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. This is especially important if an injury to the child has occurred.

The Head or 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, and pupils will also complete reports. These will be signed and dated. This will be at the discretion of the Head teacher.

A log will be kept of any occasion when positive handling is used (except minor or trivial incidences). This will be at the discretion of the Head teacher in view of the young age of our children and does not include children who have individual record books.

The Serious Incident Record Book will be reviewed by the Head teacher termly to consider control measures and possible training or further needs etc.

Incident records will be kept in a bound book. Incidents recorded at the discretion of the Head teacher in view of the young age of our children.

Debriefing 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 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 pupils on the same day, 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

- If necessary and appropriate the Chair of Governors, Link Advisor, and Child Protection officer will be informed/consulted.
- Help, support and reassurance will be given where appropriate to any victims 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.

If required procedures for the involvement of outside agencies should be formalised and documents and all staff made aware of these.

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 in a term we will plan how to respond in line with Team teach protocols and guidance. This will include involving the parents 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 agreement will be drawn up, in consultation with all concerned and included as part of the pupils Individual Behaviour Plan (IBP). It will be regularly reviewed during ALN Review meetings twice a year. 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 prospectus. As

indicated for some children there may be the need to use specific techniques to routinely manage their challenging behaviour. This will be recorded in their IBP, Positive Handling Agreement or PSP. Such arrangements will be 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 after an incident where more advanced levels of positive handling are used with a pupil (holds).

Physical Contact with Pupils in Other Circumstances

In Porth Community School we nurture an ethos of care, concern and appreciation. Physical contact with young children is an important part of this but must be carried out appropriately and done openly.

- Young children may require comfort if hurt or unwell, or sometimes just sleepy! Nursery children may on occasions sit on a member of staff's lap. This becomes less appropriate as a child matures and gets older. Teaching staff should use professional discretion with regard to this and should advise additional practitioners, less experienced staff or students to avoid 'babying' children.
- Children should not be carried unless absolutely necessary.
- Children should not be kissed, children who try to kiss staff should be kindly discouraged e.g. kisses are for family.
- Staff must be sensitive to matters relating to culture and gender issues and any known individual characteristics of special circumstances relating to pupils.
- Physical contact may be necessary to administer first aid or medication, to help young children apply sunscreen or during curriculum activities such as physical development.
- Young children and children with SEN may need staff to provide physical prompts or help.
- Some young children are at early stages of toilet training and are not always independent in their needs. Level 3 qualified Teaching Assistants and Teachers carry out these duties routinely and are trained to do so appropriately. Other members of staff may carry out these duties if authorised by the Head teacher e.g. Lunchtime supervisor for Nursery Class. Pupils will not change children if intimate care is required without supervision. Intimate care refers to touching of the private parts.
- On all occasions children should be encouraged to clean and change themselves if this is within their capabilities. However staff should avoid the child feeling uncomfortable or distressed.
- Parents should be informed if their child has been changed and of who changed them.

Complaints

This policy is in accordance with the WG Guidance March 2005, Circular 3/99 and Education Act 1996 550A; 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 head teacher 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 or by the Police under Child Protection procedure.

Review - This policy will be regularly monitored by the Head and reviewed and updated annually.