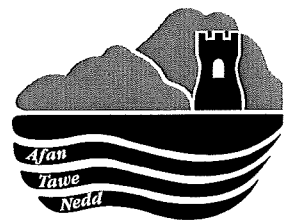


Neath Port Talbot County Borough Council
Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot

Positive Handling Strategies for Pupils in Schools and Other Educational Settings

POLICY GUIDANCE



1 Table of Contents

POLICY DOCUMENT- CONTEXT	15
SECTION ONE	25
Introduction	25
Use of restrictive physical intervention.....	35
Using force.....	37
The types of force used could include:	38
The purposes of physical intervention are:	42
Situations in which the use of physical intervention may be appropriate or necessary	45
Situations where staff should not normally intervene without help.....	49
What the law says	50
Seclusion	60
Time Out	61
Withdrawal	62
Use of prone restraints	62
Legislative base	63
Health and Safety	63
Risk assessments	65
Educational Needs	67
School responsibilities and Effective Practice.....	68
Reducing the likelihood of situations arising where use of Restrictive	75
Physical Intervention may be required.....	75
Pupils with special educational needs and/or disabilities	78
Ensuring staff know who has statutory power to use force	84
The head teacher or delegated senior member of staff is advised to do the following:..	84
Deciding if the use of force would be appropriate.	86
Post Incident	92
Recording and reporting incidents	93

Post-incident support	105
Complaints Procedure - Receiving and noting a complaint.....	111
Physical contact with pupils in other circumstances	121
Training	123
SECTION TWO.....	129
The use of restrictive physical interventions for pupils with severe behavioural difficulties.....	129
Model Policy Guidelines for Special Schools	133
School expectations.....	135
Reporting and recording use of restrictive physical interventions.....	149
Staff training	152
Assessing and Managing Risks for Children Who Present Challenging Behaviours	154
Deciding risk management measures.....	164
Evaluating impact and effectiveness	170
SECTION THREE.....	172
APPENDICES.....	172
APPENDIX 1	176
DRAFT SCHOOLS OR OTHER EDUCATIONAL SETTINGS POLICY ON THE USE OF REASONABLE FORCE TO CONTROL PUPILS	176
Table of Contents.....	178
FOREWORD	178
Model School Policy on	181
Care and Control and the Use of Force	181
Policy Statement	181
What is The Legal Use of Restrictive Physical Intervention to Control Pupils?.....	187
Objectives Of This Policy.....	190
Who Can Use Reasonable Force?	192
Circumstances When Reasonable Force Might Be Appropriate?.....	195
Procedures and practical considerations during specific incidents	204
Application Of Force During Specific Incidents	208
Situations where staff should not normally intervene without help.....	211
Reporting and Recording Incidents	215
Debrief Following Serious Incident.....	220

Other Procedures Concerning Incidents	222
Planning for Incidents and Meeting Training Needs	224
Arrangements for Informing Parents.....	226
Physical Contact With Pupils In Other Circumstances	228
Staff Training.....	229
Complaints	230
Review	231
APPENDIX 2.....	233
Behavioural, Emotional and Social Difficulties	233
APPENDIX 3.....	236
Severe Learning and Communication Difficulties.....	236
APPENDIX 4.....	238
Risk Assessment Form for Child Violence and Aggression	238
APPENDIX 5.....	248
Proforma for assessing and managing foreseeable risks for children who present challenging behaviours – developing a Behaviour Management Plan	248
APPENDIX 6.....	260
Positive Handling Plan	260
POSITIVE HANDLING PLAN.....	264
APPENDIX 7.....	275
INCIDENTS INVOLVING.....	276
Positive Handling.....	276
Care and Control – Intervention.....	276
FORM “R”	277
Record of Incident Involving Positive Physical Intervention of Pupils.....	282
APPENDIX 8.....	302
PHYSICAL INTERVENTION OF PUPILS AT SCHOOL:	302
Reminder to staff of DOs and DON'Ts ➤	302
APPENDIX 9.....	306

APPENDIX 10.....314

School Policies - Suggested Framework314

APPENDIX 11.....326

Key Contacts within Neath Port Talbot Education Department326

Policy document- Context

This policy and the advice set out in this document provide a framework within Neath Port Talbot County Borough Council, which restates principles derived from common law and statute.

It is the policy of the Local Education Authority and has been produced following the Education Act 1996 and amended and updated to include recent Welsh Assembly Guidance, as it recognises the need to continually evaluate the policy in the light of local and national changes.

This document offers guidance to schools and other educational establishments in Neath Port Talbot County Borough Council regarding the development of policies relating to the use of reasonable force to control and restrain pupils. Much of the guidance has been taken from Safe and Effective Intervention – use of reasonable force and searching for weapons. Welsh Assembly Government Guidance 041/2010. This document can be found at <http://wales.gov.uk/docs/dcells/publications/101029safeeffectiveen.pdf>

The document emphasises the need to secure the safety of both staff and pupils and applies equally to mainstream and special schools. It identifies shared targets with other policies, plans and strategies within the Authority to ensure a cohesive approach.

It reflects the Authority's partnership approach with its schools and consideration of the pupil's needs as a priority in all their dealings with pupils and families.

The aim of these guidelines 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. These guidelines replace those of Welsh Office Circular 37/98 and provide direction on the powers of school staff to use force, as set out 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. This guidance should be seen within the framework of Welsh Assembly Government Circular, (47/2006) Inclusion and Pupil Support, <http://wales.gov.uk/topics/educationandskills/schoolshome/pupilsupport/inclusionpupilsupportguidance/?lang=en>

Welsh Office Circular 041/2010, (Safe and Effective Intervention)

The Welsh Assembly Guidance, ("Framework for Restrictive Physical Intervention Policy and Practice-March 2005") [http://www.positive-options.com/news/downloads/Welsh_Assembly_-_](http://www.positive-options.com/news/downloads/Welsh_Assembly_-_Framework_for_Restrictive_Physical_Intervention_Policy_and_Practice_-_2005.pdf)

[Framework for Restrictive Physical Intervention Policy and Practice - 2005.pdf](http://www.positive-options.com/news/downloads/Welsh_Assembly_-_Framework_for_Restrictive_Physical_Intervention_Policy_and_Practice_-_2005.pdf) 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

This document should be read in conjunction with Neath Port Talbot County Borough Council Child Protection Procedures which have been issued to schools.

Section 61 of the School Standards Framework Act 1998 requires that all schools have a pupil behaviour and discipline policy. Neath Port Talbot County Borough Council considers it vitally important that all schools have a clearly articulated whole school behaviour policy from which procedures for the management of challenging behaviour are devolved and which is explicitly shared with governors, parents and pupils. These guidelines are issued as guidance to schools and other educational centres to ensure that there is an overall framework which assists each school in formulating and developing its own particular policies and procedures in relation to physical restraint/intervention. It is recommended that such policies be reviewed annually.

The term restrictive physical intervention can have negative connotations for individuals and professionals alike. Some strategies and approaches can appear to focus upon physically restrictive methods and techniques such as holds which are only part of the continuum of behaviour management strategies that are needed to manage challenging behaviour. Therefore for these reasons, the Welsh Assembly Government in its guidance a 'Framework for Restrictive Physical Intervention Policy and Practice'-March 2005 and WAG Guidance 41/2010 uses the term "**restrictive physical intervention**" to describe **direct physical safeguarding action**.

This however is only one aspect of the strategies available to staff when managing challenging behaviour. Staff in line with guidance, will be encouraged to ensure that pupils who present with challenging behaviour are presented with opportunities to behave effectively through:

- positive behaviour management programmes
- conflict resolution strategies
- calming strategies

In this document and in this Authority we refer to the whole continuum of interventions as 'Positive Handling' within which the use of restrictive physical intervention is a strategy available to staff if they have exhausted all other approaches or a pupil's or member of staff's health and safety is at risk.

It is the Governing Body that is responsible in ensuring that the Policy Guidance is adhered to and. In the case of EOTAS provisions it is the Local Authority.

SECTION ONE

Introduction

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.

Although the Education and Inspections Act 2006 specifically refers to “force” this covers the broad range of strategies that involve a degree of physical power to prevent pupils from hurting themselves or others, damaging property or causing disorder. The range stretches from leading a pupil to safety by the hand or arm, through to extreme circumstances where a pupil needs to be restrained to prevent violence or injury to themselves or others.

In schools, force is generally used for two different purposes – to control pupils and to restrain them:

Control can mean either passive physical contact (e.g. standing between pupils or blocking a pupil’s path) or active physical contact (e.g. leading a pupil by the hand or arm, or ushering a pupil away by placing a hand in the centre of the back).

When members of staff use “restraint” they physically prevent a pupil from continuing what they were doing after they have been told to stop.

Restraint and positive handling techniques should only be used in more extreme circumstances, such as when two pupils are involved in a fight and physical intervention is needed to separate them.

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. The use of force should only be a last resort, schools should minimise the possibility of force being needed. However, this may not always be possible and in such circumstances staff need to be aware of sensitivities associated with any form of physical contact with pupils.

Schools should never seek to inhibit the ability of staff to use force by adopting a ‘no contact’ policy. The power to use force helps ensure pupil and school safety and the risk with a no-contact policy is that it might 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 themselves or others.

The purpose of legislating on the use of force was to provide a clear and transparent power which enables staff to use reasonable force on pupils in specified circumstances, whilst at the same time also protects children and young people from physical violence, injury or abuse, as set out in Article 19 of the United Nations Convention on the Rights of the Child. This document provides guidance on how the power should be exercised, particularly to: help school staff to understand what the law means for them in practical terms; protect pupils and staff by reducing the risks that force may be used inappropriately; and provide advice on good practice;

Principles in the use of Restrictive Physical Interventions

“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”

It is very important to ensure that all possible preventative steps have been taken to negate the need for physical intervention. The use of physical intervention should be viewed very much as the final option.

Restrictive Physical Intervention should be an act of care and control, not punishment.

Every effort should be made to ensure that wherever possible **at least 2 members of staff** are present before applying physical intervention. If this is not possible, intervention should not be delayed whilst further assistance is being sought. Schools should be proactive in resolving how staff can support each other and such schemes should be made clear in school policy documents.

Any physical intervention should involve the minimum degree of force, maximum care and the minimum amount of time necessary.

Physical intervention is only for use in extremely rare circumstances. Staff in mainstream schools would not be expected to use restrictive physical intervention strategies other than in exceptional circumstances.

Some examples of situations where reasonable force might be used are:

- to prevent a pupil from attacking a member of staff, or another pupil, or to stop a fight between two or more pupils;
- to prevent a pupil injuring themselves, or placing themselves in danger or at risk of injury
- to prevent a pupil causing serious, deliberate damage to property;
- to prevent a pupil causing injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- to ensure that a pupil leaves a classroom where the pupil persistently refuses to follow an instruction to do so;
- to prevent a pupil behaving in a way that seriously disrupts a lesson; or
- to prevent a pupil behaving in a way that seriously disrupts a school sporting event or school visit.

The guidance should help schools to understand what the law means for them in practical terms, as well as providing them with advice on good practice. The purpose of the law and this guidance is to protect staff and pupils, prevent serious damage or disruption and reduce the likelihood of actions by staff being successfully challenged in the courts. Schools would therefore be strongly advised to follow the guidance but it should not be treated as a complete and authoritative statement of the law. Interpreting the law is a matter for the courts.

Staff will be aware of sensitivities associated with any form of physical contact with pupils. This guidance also offers advice on physical contact other than the direct use of force.

The guidance should be seen within the wider context of the Welsh Assembly Government's Framework for Restrictive Physical Intervention Policy and Practice.

Use of restrictive physical intervention

The degree of force used should be in proportion to circumstances of the incident.

The amount of force used should be the minimum possible to prevent an injury or damage to property.

The form of physical restraint/intervention should depend on the circumstances.

Except where there is an immediate risk of likely injury or serious damage to property, other strategies should be used to deal with the situation before force is used.

Physical intervention should avert danger by preventing or deflecting a pupil's actions or perhaps by removing a physical object, which could be used to harm him/herself or others. Physical intervention skilfully applied may be eased by degrees as the pupil calms down in response.

In making the decision to intervene physically the authorised person should take into account amongst other things the pupil's age, understanding, culture, gender, physical maturity and health.

Using force

Before using force staff need to be satisfied that they have exhausted possible and relevant de-escalation strategies, (examples can be found on page 62) 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.

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:
 - leading a pupil by the hand or arm;
 - ushering a pupil away by placing a hand in the centre of the back;
 - 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 such as a glass bottle or hammer.

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.

When it is necessary to use force a member of staff **must not**, do so in a way that might reasonably be expected to cause injury, for example 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;
- striking a pupil with an object;
- twisting or forcing limbs against a joint;
- tripping up a pupil;
- holding or pulling a pupil by the hair or ear.

It may be inappropriate for a member of staff to intervene without support. In such circumstances he or she should remove pupils at risk of injury and summon assistance.

The purposes of physical intervention are:

- to restrain the pupil until anger passes, self-control is regained and the situation defused;
- to limit the harm that the pupil can do to self and others;
- to demonstrate to the pupil that he/she is within safe physical boundaries.

Wherever possible the pupil should be advised in advance that physical intervention will be used.

Throughout any intervention, the member of staff should talk firmly but quietly to the pupil encouraging calm and offering the chance to talk. This may not be the case with some pupils who may have identified additional needs e.g. pupils with a diagnosis of autism.

Staff should always avoid touching or holding a pupil in a way that might be considered indecent.

As soon as it is safe, physical restraint should be gradually relaxed to allow the pupil to regain self-control. It is important for staff to keep talking to the pupil throughout the physical intervention.

Incidents involving confrontation cause anxiety and emotional trauma. Afterwards, pupils and staff, including those who have witnessed the incident should be given the opportunity to discuss what happened. They should be offered time to recover and the chance of support. Schools may wish to contact the Teacher Development Officers for Behaviour or the Educational Psychology Service for further advice.

Situations in which the use of physical intervention may be appropriate or necessary

There are a wide variety of situations in which reasonable force might be appropriate to control or restrain a pupil. The following are some examples of situations in which the use of reasonable force might be appropriate:

- to prevent a pupil injuring themselves, or placing themselves in danger or at risk of injury
- pupils fighting;
- a pupil engaged in, or on the verge of committing, deliberate damage or vandalism to property;
- a pupil causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- a pupil running in a corridor or on a stairway in a way which might cause an accident likely to injure him/herself or others;
- a pupil persistently refusing to obey an order to leave a classroom;
- a pupil behaving in a way that is seriously disrupting a lesson;
- a pupil absconding from a class or trying to leave school but only if the pupil could be at risk if not kept in the classroom or at school.

Responding to such a situation can be very difficult. In doing so, teachers and other members of staff, who have been authorised by the head, should consider the following:

- the use of force may exacerbate the situation and result in further injury to the teacher, the pupil, or other pupils;
- it may set a poor example for other children;
- it may cause further stress and/or distress to the pupil or other pupils;
- if the child has previously suffered physical abuse, physical intervention in the classroom may revive these memories.

Situations where staff should not normally intervene without help

An authorised 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.

What the law says

There is no legal definition of when it is reasonable to use force, however the Welsh Assembly Government have 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”

Section 93 of the Education and Inspections Act 2006, replaced Section 550A of the Education Act 1996 and 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:

- ***committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);***
- ***causing personal injury to, or damage to the property of, any person (including the pupil himself); or***
- ***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.***

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 head 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 head 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.

Those exercising the power to use force must also take proper account of any particular special educational need (SEN) and/or disability that a pupil might have.

Under the Equality Act 2010 schools have **key duties**:

- not to treat a disabled pupil less favourably, because of his/her disability, than a non-disabled pupil;
- not to treat a disabled pupil unfavourably because of a reason related to their disability, without justification;

- not to apply a provision, criterion or practice that puts or would put a disabled pupil at a particular disadvantage compared with a non-disabled pupil, without justification;
- to take reasonable steps to avoid putting a disabled pupil at a substantial disadvantage in comparison with a non-disabled pupil (known as the reasonable adjustments duty).

The power may be used where the pupil (including a pupil from another school) is on school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

The use of reasonable force 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. Use of force could not be justified to prevent trivial misbehaviour. However, deciding whether misbehaviour is trivial also depends on circumstances. For example, running in a corridor crowded with small children where there is a real danger of knocking them into walls or down steps may be dangerous enough not to be regarded as trivial.

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.

On preventing other types of criminal offence, Section 93 provides essential clarification. It is by no means clear that all the behaviours that prejudice school discipline are also criminal offences and most primary pupils are below the age of criminal responsibility. So Section 93 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

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. This search power would apply to head teachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force could be used by the searcher and/or the second person required to be present at a search. However it is strongly advised that schools not to search pupils where resistance is expected, but rather to call the police.

Seclusion

Under the Children Act 1989 any practice or measure, such as time out or seclusion, which prevents a child from leaving a room or building of his/her own free will, may be deemed “ a restriction of liberty”. Such a restriction of liberty is only permissible under very

specific circumstances. The 1996 Education Act may well give this lawful excuse but this would depend upon the particular circumstances.

Seclusion (where a child is forced to spend time alone against their will) involves restricting a person's freedom of movement, it should also be considered as a form of restrictive physical intervention.

Time Out

This involves restricting positive reinforcement as part of a planned behaviour programme. The use of "time out" should be included within an agreed plan e.g. an individual behaviour plan.

Withdrawal

This occurs when a person is removed from the situation but observed and supported until they are ready to resume.

Use of prone restraints

The Welsh Assembly Government is categorical in its advice and guidance on this issue and states that **"under no circumstances, should any individual ever be restrained in a face down position"** Page 6 'Framework for Restrictive Physical Intervention Policy and Practice'.

Legislative base

Any form of corporal punishment is unlawful. This was banned under the 1986 Education Act No.2. It is therefore unlawful for any member of staff to use any degree of physical contact which is deliberately intended to punish a child or young person or which is intended to cause pain, injury or humiliation.

Health and Safety

The use of restrictive physical intervention as a Positive Handling Strategy is a health and safety issue. The Local Authority expects the Restrictive Physical Intervention to be positive handling techniques. Schools are legally obliged to take reasonable steps to safeguard the health and safety of pupils and staff.

The Management of Health & Safety at Work –Operative (Section 2(2)c) 1st January 1993 states that an employer "Has an absolute obligation irrespective of cost, time or inconvenience to provide such supervision, instruction and training to ensure the health & safety at work of employees."

Teachers' employers are required to do all that is reasonably practicable to safeguard the health and safety of pupils whose actions are putting themselves and others at risk.

Risk assessments

Leadership teams are advised to assess the frequency and severity of incidents requiring use of force that are likely to occur in their school. Historical patterns usually provide a good starting point. These assessments will help to inform decisions about staff training.

Schools may also need to make individual risk assessments where it is known that force is more likely to be necessary to restrain a particular pupil, such as a pupil whose SEN and/or disability is associated with extreme behaviour. An individual risk assessment is also essential for pupils whose SEN and/or disabilities are associated with:

- communication impairments that make them less responsive to verbal communication;
- physical disabilities and/or sensory impairments;
- conditions that make them fragile, such as haemophilia, brittle bone syndrome or epilepsy; or
- dependence on equipment such as wheelchairs, breathing or feeding tubes.

Educational Needs

Children have rights, including the right to an appropriate education. For some children, this right may be compromised by inappropriate behaviour.

Some children will display challenging behaviour, which may or may not be associated with a disability. Some challenging behaviour can place the pupil and others at serious risk because of its intensity, frequency and duration.

In order to protect a child from harming him/herself or others, or seriously damaging property, the application of force in the form of physical intervention may be necessary particularly when a pupil may not be capable of understanding danger.

School responsibilities and Effective Practice

It is good practice for a school to have an explicit policy on the use of reasonable force to control or restrain pupils, included within the school's Behaviour Policy, which should be reviewed annually. A draft school policy is provided within this document. In adopting or developing the draft school policy, schools need to ensure that the policy reflects the particular circumstances of the school.

It is also good practice for governors, staff, recognised trade unions, pupils and those with parental responsibility to be consulted about the policy and for the policy to be approved formally by the Governing Body and made known to staff, pupils and parents either as part of the school's behaviour policy or separately.

As the statutory power to use force would be held by individual members of staff, no school should have a policy of 'no physical contact' because this would make staff members feel deprived of that power or hinder their exercise of it.

It would be sensible for a school's policy on the use of force to describe both the kinds of circumstances the school regarded as justifying the use of force to restrain a pupil (for example, to prevent them injuring somebody) and the kinds of circumstances the school

regarded as justifying the use of force to require a pupil to comply with a reasonable instruction (for example, to leave the classroom). All staff - authorised and unauthorised - need to understand their powers and the options open to them. They need to know what is acceptable and what is not. Similarly, all pupils should be made aware of what powers are available to school staff and the circumstances under which this power could be used.

A school's policy on use of force should be consistent with but not necessarily part of its behaviour policy. The Welsh Assembly Government guidance on the promotion of positive behaviour and school behaviour policies can be found in the Inclusion and Pupil Support Circular 47/2006. It should also be consistent with the school's policies on child protection and health and safety.

A school's policy on the use of Restrictive Physical Intervention should describe examples of:

- the different approaches which should be used prior to force being used;
- the circumstances which the school sees the use of force to restrain a pupil as reasonable (for example, to prevent them injuring somebody); and
- the circumstances the school regards as justifying the use of force to require a pupil to comply.

All teachers should be able to feel that their efforts to maintain discipline in the classroom take place within the framework of the school's overall behaviour policy.

The principles of such policy should be evident in the school rules. These should be simple, clear and easy for all pupils to understand. There should be a system for imparting the rules to pupils and ensuring that staff, parents and pupils are informed about the behaviour policies.

The emphasis for schools is on prevention and pro-active management of behaviour. There should be mechanisms whereby teachers are able to give supportive feedback and corrective feedback. Pupils should be given every opportunity to develop their own strategies for self-management. Where good personal and professional relationships are developed, disruptive incidents are less likely to occur.

Reference should be made to the Local Education Authority Guidance when drawing up a school policy.

Reducing the likelihood of situations arising where use of Restrictive

Physical Intervention may be required

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

- 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.

Pupils with special educational needs and/or disabilities

The following advice is particularly relevant to pupils with SEN and/or disabilities:

Involve the SEN Co-ordinator or other named member of staff and parents in developing the school's policy and practice on the use of force. This will help ensure that appropriate account is taken of the needs of individual pupils with SEN and/or disabilities including "fragile" pupils.

Develop behaviour 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. Behaviour management plans set out the techniques **that should** be used and those that **should not** normally be used.

Any planned potential use of restrictive physical intervention should be compatible with a pupil's statement of Special Educational Needs and properly documented in school records.

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

- i. situations that may provoke difficult behaviour, preventive strategies and what de-escalation techniques are most likely to work;
- ii. what is most likely to trigger a violent reaction, including relevant information relating to any previous incident requiring use of physical intervention; and

- iii. if physical intervention is likely to be needed, any specific strategies and techniques that have been agreed by staff, parents and the pupil concerned.

Information from parents may be as valuable as information held by the school. Some of this information may be sensitive. Schools should seek (preferably written) consent from the parent to inform appropriate staff.

However, the Headteacher is not in a position to guarantee absolute confidence to the parent, where consent is unreasonably withheld the information may still be made available to staff who need it where this would be in the best interests of the pupil concerned. In such circumstances the headteacher should advise the parent that they will seek further advice. The importance of providing such information will be a factor in decisions about giving temporary authorisation to parent volunteers and others to supervise pupils.

Designate staff to be called if incidents related to particular pupils occur.

This does not necessarily mean waiting for them to arrive before taking action if the need for action is urgent. However they should always be involved in post-incident follow-up. Consideration should also be given as to whether there are certain circumstances where it is necessary for staff to work in pairs to safeguard pupils and/or staff.

Teach pupils who are at risk how to communicate in times of crisis and strategies to use in a crisis (such as using personal communication passports and non-verbal signals to indicate the need to use a designated quiet area or cool-off base) and ensure staff are familiar with these strategies.

Ensuring staff know who has statutory power to use force

The head teacher or delegated senior member of staff is advised to do the following:

- As part of an induction process, explicitly inform the people concerned of their responsibilities in relation to the school policy on use of force. He/she should make clear that all teachers and staff the head has authorised to have control or charge of pupils automatically have the statutory power to use force.
- For staff who have temporary authorisation he/she should make clear the circumstances in which staff whose jobs did not normally involve supervising pupils and volunteers working with pupils will be authorised to be in control or charge of pupils and therefore have statutory power to use force.
- Keep an up-to-date record of temporarily authorised people and ensure that permanently authorised staff (i.e. all staff whose job involves supervising pupils) knows who they are. Given the requirement for schools to maintain a central, up-to-date record of the Criminal Records Bureau status of all staff and volunteers, they may wish to align these two sets of records.

Deciding if the use of force would be appropriate.

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 need to 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:

- preventing a pupil injuring themselves, or placing themselves in danger or at risk of injury
- 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.

Refusal of a pupil to remain in a particular place is not enough on its own to justify use of force.

It would be justifiable where:

- allowing a pupil to leave would entail serious risks to the pupil's safety (taking into account age and understanding), to the safety of other pupils or staff, or of damage to property; or lead to behaviour that prejudices good order and discipline, such as disrupting other classes;
- a pupil persistently refuses to follow an instruction to leave a classroom;
- a pupil is behaving in a way that seriously disrupts a lesson; or
- a pupil is behaving in a way that seriously disrupts a school sporting event or school visit.

In these examples use of force would be reasonable (and therefore lawful) if it was clear that the behaviour was **sufficiently dangerous** or **disruptive** to warrant physical intervention of the degree applied and could not realistically be dealt with by any other means. A record of the incident should be made as soon as practically possible, while the incident is still easy to recall.

Wherever possible, these judgements should take account of the particular characteristics of the pupil, including his or her age, understanding and any SEN or disability that he or she may have. This would include the outcomes of any risk assessment and as appropriate, any specific strategies and techniques set out in the pupil's positive handling plan.

Post Incident

Staff need to notify the Head Teacher or senior member of staff as soon as possible after an incident.

The Head Teacher is responsible for deciding how and when parents are notified. 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.

Recording and reporting incidents

Schools must keep 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 as part of school improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry.

Schools may find the following questions helpful in deciding whether an incident is significant and requires a written record:

- Did the incident cause injury or distress to a pupil or member of staff?
- 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, for example, automatically fall into this category.
- 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.
- Is a record needed to help identify and analyse patterns of pupil behaviour or staff training needs?
- 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. It is possible that not all of the specifics of an incident can be recorded where it is not known on whom force was used, as for example where a member of staff has hastily had to part several pupils encircling a fight. The staff member may (understandably) focus on and recall the identities of the fighting pupils and not the individual spectators who were drawn aside to allow access. Staff may find it helpful to seek the advice of a senior colleague or a representative of their professional association when compiling a report.

All incidents, when restrictive physical intervention is used, must be recorded **as soon as possible**. The following information [as a minimum] should be entered onto an incident /accident report via the Online Accident Reporting System together with written statements of witnesses.

- **the names of pupil[s] involved;**
- **the antecedents leading up to the incident;**
- **the time of the incident;**
- **the place where the incident occurred;**
- **the actions taken by relevant staff and pupils;**
- **the names of staff or other authorised adults involved.**

The member of staff involved in an incident is usually best placed to compile the record. It would be good practice for the member of staff with lead responsibility for safeguarding to check the record. Staff training could usefully include good practice on completing incident records.

Differing accounts given of the same incident should all be recorded. Copies of documentation relating to an incident/accident e.g. incident/accident form, Risk Assessments, training records etc. must not be issued to parents, but parents may be told when and where the incident took place, which members of staff were directly involved (anonymised where necessary), why they decided that force had to be used, what force was used, whether there were any injuries and what follow-up action (support and/or disciplinary) was being taken in relation to their child. It is advisable that the school's policy on making a record following such incidents is contained within its policy on the use of force and drawn to the attention of members of staff, parents and pupils, if these persons are not otherwise notified of the policy.

Where the incident has been prolonged or where considerable force has been used the following details should also be recorded:

- **the names of all witnesses, pupils and adults;**
- **signed witness statements;**
- **the reason for force being used;**
- **a description of the way the incident developed;**
- **the pupil's views;**
- **details of the outcome of the incident including injuries and damage[s];**
- **the medical advice sought;**

In addition the school should review the positive handling plan.

The record is likely to form part of the pupil's educational record as it is a record of information which is processed (obtained, recorded and held) by or on behalf of the Governing Body of the school (or teacher at the school, other than for personal use), relates to the pupil, and originated from or was supplied by a teacher employed by the Governing Body or the local authority. A copy of these records should be kept in a separate file specifically held for incidents of physical intervention, as well as in the pupil's personal file.

The parent would be entitled to see the educational record free of charge, within 15 school days of receipt of the parent's written request. If a parent makes a written request for a copy of the record this must be provided, also within 15 school days of that request being received.

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.

Further detail on what data contained in educational records may be disclosed is contained in the Welsh Assembly Government's guidance on Educational Records, School Reports and the Common Transfer System - the keeping, disposal, disclosure and transfer of pupil information, Circular 18/2006. 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 Criminal Records Bureau 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.

http://wales.gov.uk/topics/educationandskills/publications/guidance/educational_records;jsessionid=056RMZtdZy287JTsgTjqcSThfMcV6qx7bJ7NMGWv1Pf8LVnv991p!318297629?lang=en&skip=1.

All injuries should be recorded in accordance with school procedures. All injuries to staff and pupils should be reported via the Online Accident Reporting System (OARS) on the Health & Safety section of the intranet, in line with the Incident/Accident Reporting and Investigation Corporate Procedure CP22.

It is good practice for governors to monitor incidents where force has been used. Head teachers have an important role in reporting such incidents to the Governing Body.

Members of staff who have been assaulted may wish to consider reporting the assault to the police.

Schools may find the model recording form provided in Appendix 7 helpful. This identifies the types of information that should be recorded.

Post-incident support

Serious incidents that require use of force can be upsetting to all concerned and may result in injuries to the pupil or to staff. Immediate action should be taken to provide first aid for any injuries and to access medical help for any injuries that go beyond first aid. It is also important to ensure that staff and pupils are given emotional support.

The letter to parents informing them about the use of force can also be used to engage them in discussing the incident and for setting out subsequent actions and support. It is good practice for parents to be involved in agreeing appropriate support arrangements. For parents of pupils whose behaviour is associated with SEN and/or disabilities, it is advisable to agree an individual behaviour plan. Such plans would include strategies to prevent and deal with any recurrence of behaviour that could lead to the use of force.

Schools are also advised to:

- decide whether multi-agency partners need to be involved and, if so, which partners. This could include local authority children's services, Child and Adolescent Mental Health Services or the Youth Offending Team (if the pupil is already under their

supervision or has been identified by the YOT as being at risk of becoming engaged in criminal or anti-social behaviour);

- where a pupil is responsible, hold the pupil to account so that he or she recognises the harm caused or which might have been caused. In addition to punishing the pupil, this may involve giving them the opportunity to repair the relationships with staff and pupils affected by the incident and/or to develop their social and emotional skills. In some cases, an incident might lead to a decision to exclude a pupil. In these circumstances head teachers must have regard to the Welsh Assembly Government's guidance on Exclusion from Schools and Pupil Referral Units, Circular 1/2004;
<http://wales.gov.uk/pubs/circulars/2004/english/NAFWC01A-04cons-e.pdf?lang=en>
- help the pupil and staff develop strategies to avoid such crisis points in future and inform relevant staff about these strategies and their roles;
- ensure that parents and pupils are aware of the school's complaints procedures; and
- ensure that staff and pupils affected by an incident have continuing support for as long as necessary in respect of:
 - a) physical consequences;
 - b) support to deal with any emotional stress or loss of confidence; and
 - c) opportunity to analyse, reflect and learn from the incident.

Complaints Procedure - Receiving and noting a complaint

Parents and pupils have a right to complain about actions taken by school staff, this might include the use of force. Schools need to make clear that if a specific allegation of abuse is made against a member of staff then the school needs to follow the guidance set out in the three Welsh Assembly Government letters about the independent investigation service, dated 9 November 2006, and 30 March and 31 August 2007. Also, the guidance in Welsh Assembly Government Circular 45/2004 – 'Staff Disciplinary Procedures in Schools'. Other complaints should be dealt with under the school's complaints procedure which is normally set out in the school's published prospectus or website. The Welsh Assembly Government has also issued two guidance documents to schools on dealing with complaints. Circular 03/2004 'School Governing Bodies Complaints Procedures' and Circular 39/2006 'Guidance for School Governing Bodies on Procedures for Complaints Involving Pupils.' These guidance documents are due for revision in 2011.

After an incident in a school there is always the possibility of a formal complaint. A number of people might feel aggrieved by the incident, whether they be pupils, parents/carers, teachers, other employees, or even visitors to the school and members of the public.

Head Teachers should be aware of the need to review and monitor the reactions of all parties involved in an incident, and to consider the effects on current school policies, and have a total awareness and understanding of all aspects of the case.

A general complaints procedure should be made available for parents/carers. This should be used where parents/carers believe inappropriate intervention has been used. However, where the policy documents for the school are clear and understood by both parents/carers and pupils, complaints will be minimised.

Complaints should be dealt with under the school's general complaints procedure.

A dispute might lead to an allegation against a member of staff, made to the school, other agencies or even the police. These should be dealt with in accordance with agreed policy and procedure for handling allegations against staff. Schools can find guidance on safeguarding children and on dealing with allegations of abuse against teachers and other staff in the Welsh Assembly Government letters and circulars listed in paragraph 3.43 above. The Welsh Assembly Government has also issued Guidance in Circular 05/2008 - Safeguarding Children in Education: The role of local authorities and governing bodies under the Education Act 2002.

The school policy on physical intervention and the degree to which it had been followed will be at the core of any investigation. Such complaints may also be investigated under the school's disciplinary procedure.

The general complaints procedure adopted by the governing body should always be followed and it should include the following elements:

Pupil- A pupil wishing to complain should be treated courteously and without prejudice and be requested to write the complaint in his or her own words. In the event that the pupil has difficulty with writing, communicating, or where English or Welsh is not the first language, a member of staff not involved in the incident should record the complaint, verify and read through with the pupil, and ask the pupil to sign and date the report where possible.

Parent/Carer- If a complaint is received from a parent or carer which alleges some form of pupil abuse or injury, whether inflicted during the restraining of a pupil or not, the head or designated person must record the complaint in writing.

This recorded information must include where and when the incident occurred and includes as much detail of the alleged injuries or abuse as possible. At this point, it is important that the head confirms to the complainant that a full and detailed investigation will be conducted immediately.

Staff- If a complaint is received from a member of staff who has been verbally or physically assaulted; there is a sequence of prescribed actions which the head should undertake. These are:

- proffer immediate support and help to the member of staff to deal with any trauma and re-establish confidence;
- offer medical support if any physical injury has been sustained and recommend a visit to a doctor as soon as possible;
- comply with the Local Authority's agreed procedures for the reporting of accidents ;
- compile a list of witnesses, conduct interviews and collect statements;
- where appropriate, inform the Police – [Schools are advised to clarify the circumstances which would warrant Police involvement. These circumstances are likely to include incidents such as the possession of weapons];

- advise the member of staff to contact their union or professional association immediately before responding to any aspect of the complaint.

Dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or by the Police and Social Services Department under Child Protection procedures. Welsh Office Circular 52/95 "*Protecting Children from Abuse – The Role of the Education Service*" gives guidance about the latter and about procedures for dealing with allegations against teachers.

The possibility that a complaint might result in a disciplinary hearing, a criminal prosecution, or a civil action brought by a pupil or parent, cannot be ruled out. The disciplinary panel or court would consider whether or not the use and degree of force was reasonable in all circumstances. It would also be likely to take account of the school's policy with regard to intervention and whether or not it had been followed.

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, sports coaching or craft, design and technology or if a member of staff has to give 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.

There may be some pupils for whom touching is particularly unwelcome.

For example, some pupils may be particularly sensitive to physical contact because of their cultural background, disability or because they have been abused. It is important that staff that may come into contact with these pupils or groups of pupils should have the relevant information and that the school has a system for informing them. In addition, the school will need to develop clear common practice towards particular groups of pupils and events. There should be a common approach where staff and pupils are of different sexes. Physical contact with pupils becomes increasingly open to question as pupils reach and go through adolescence, and staff should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

Training

Staff training is essential. Like 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. It is good practice for schools to set out their approach to relevant training in their school policy on the use of reasonable force. A school may decide that all staff who supervise pupils should have such training. However, individuals have a statutory power to use force by virtue of their job. So a school policy cannot lawfully prevent teachers or other staff whose job involves having control or charge of pupils from using that power regardless of whether they have received training. However, schools should make it clear to staff that unreasonable or inappropriate use of force may lead to disciplinary action.

Neath Port Talbot County Borough Council's preferred training provider is Team-Teach which provides a full range of accredited courses and is endorsed as an appropriate training strategy by the British Institute of Learning Disabilities (www.bild.org.uk).

Neath Port Talbot County Borough Council will only support training courses that are fully accredited by B.I.L.D. and should schools wish to adopt training other than Team Teach then it is the responsibility of the Head Teacher and Governors to ensure that training selected meets Neath Port Talbot County Borough Council Standards.

Information, support and training for staff on behavioural management and restrictive physical intervention should be properly managed. In its simplest form, training should involve awareness raising and the sharing of strategies through structured staff discussion. All school staff should be familiar with the school's policies regarding behaviour and the use of restrictive physical intervention. Training for school staff should include full information on the school's procedure and strategies for dealing with potentially violent and actual violent behaviour.

The level of training in the use of physical intervention will vary depending on the particular educational setting and patterns of pupil behaviour.

Each violent and disruptive pupil should be the subject of a risk assessment. A detailed risk assessment form can be found in appendix 4. Staff responsible for these pupils must be made aware of those risks and the risk management strategies.

Where school staff are daily involved with pupils who are potentially violent, particularly in special settings for pupils with emotional and behavioural difficulties, staff should have regular sessions to practice acceptable methods of dealing with challenging behaviour. These will involve de-escalation strategies and the use of restrictive physical interventions.

Pupils with special needs who require complex or repeated physical management (more than once in a term); should have a prescribed agreed handling plan devised in conjunction with their parent/carers (and any other appropriate agency involved with the pupil or family).

Should schools wish to discuss training issues for their staff in the use of restrictive physical interventions then they are advised to contact Mr Huw Davies (Development Officer for Inclusion) h.e.davies@npt.gov.uk or Mrs Sian Luscombe (Teacher Development Officer – Behaviour) s.luscombe@npt.gov.uk

SECTION TWO

The use of restrictive physical interventions for pupils with severe behavioural difficulties.

Introduction

The guidance is intended to provide clear, practical advice for schools on drawing up policies on the use of restrictive physical interventions for pupils with severe behavioural difficulties. In the main the guidance is intended primarily for special schools but may also be useful for mainstream schools with such pupils, EOTAS provisions, including Pupil Referral Units. The guidance is divided into two main areas:

- Model policy guidelines for special schools.
- Advice on risk assessment and a suggested risk assessment proforma.

These guidelines have been produced to assist particularly, special schools to respond appropriately in situations where the management of pupil behaviour requires the use of restrictive physical interventions. The guidelines for model policies are designed to be helpful but are not intended to be followed rigidly.

Rather, they are designed to provide a framework on which policies might be based and highlight some questions and issues to be explored or clarified. There might be other questions and considerations according to local circumstances.

Assessing and managing risk is central to the process of deciding whether to use restrictive physical intervention and ensuring that it is both reasonable and proportional to the circumstances. Where it is known that a pupil is likely to present severe behavioural difficulties, a formal risk assessment will assist staff in judging the benefits and risks of any proposed intervention for staff, the pupil concerned and others.

Model Policy Guidelines for Special Schools

These guidelines are designed to help special schools to draw up policies covering the use of restrictive physical interventions with pupils with severe behavioural difficulties. A policy on restrictive physical interventions should be an integral but discrete element of the school's wider behaviour management policy. It is recommended that a policy should be organised into sections covering the following:

- introduction;
- school expectations;
- positive behaviour management;
- risk assessment and planning for potential use of restrictive physical interventions;
- use of restrictive physical interventions in unforeseen and emergency situations;
- post-incident support;
- reporting and recording use of restrictive physical interventions;
- monitoring use of restrictive physical interventions;
- responding to complaints; and
- staff training.

In special schools and PRUs there are children with severe behavioural difficulties who present behaviour that may necessitate the use of restrictive physical interventions to prevent injury, damage to property, or the breakdown of discipline. Section 93 of the Education and Inspections Act 2006 clarifies the position about use of restrictive physical interventions by teachers and others authorised by the head teacher to control or restrain pupils. Teachers and other authorised school staff are reminded that use of physical force must be reasonable and comply with:

Local authority policies.

The Children and Young People's Plan.

School discipline and behaviour policy

School expectations

The use of restrictive physical interventions should always be considered within the wider context of other measures. 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, should be dealt with under school disciplinary procedures.

Issues for schools to address:

- Which staff other than teachers will be authorised to use restrictive physical interventions in your school?
- By what process will staff be selected and authorised to use restrictive physical interventions in your school?
- In what situations would the school consider it appropriate for teachers and other authorised school staff to use restrictive physical interventions?
- What kinds of actions would be viewed as using reasonable physical intervention in your school?

- What kind of actions involving use of physical intervention would be viewed as unwarranted, excessive or punitive in your school?
- What course of action will be taken in the event of staff failing to comply with this policy?

Positive behaviour management

All staff should adopt a positive approach to improving behaviour in order to reward effort and application, and to build self-esteem. The school should work in partnership with those who know the child to help those concerned:

find out why this child behaves as he or she does;
understand the factors that influence this child's behaviour; and
identify early warning signs that indicate foreseeable behaviours are developing.

This approach will help to ensure that early and preventative intervention is the norm. It should reduce the incidence of extreme behaviours and make sure that the use of physical force is rare.

School staff should refer to the school's behaviour policy when developing and implementing behaviour management plans. All behaviour management plans should be formally agreed and ratified before implementing them in school. Plans should be formally recorded in accordance with school procedures and set out the action taken to:

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

Risk assessment and planning for use of restrictive physical interventions

Schools should acknowledge that some children behave in ways that make it necessary to consider the use of restrictive physical intervention as part of a behaviour management plan. All identified behaviours necessitating use of physical intervention should be formally risk assessed. The resulting risk management strategy must be compatible with a positive behaviour management approach.

Issues for schools to address

How will the school involve parents and others who know the child in the process of developing behaviour management plans?

What process is to be used to agree and ratify behaviour management plans for use in school?

How are behaviour management plans to be recorded?

Intervention must be clearly shown to be in keeping with the pupil's statement and his or her individual education plan. It should also be properly documented within school records. All staff should be aware of the distinction between physical contact or touch, used appropriately in everyday situations to support, encourage, guide or comfort a pupil, and the use of force to restrict movement or to disengage from pupils whose behaviour presents a clear risk of injury.

Techniques and methods for controlling and restraining pupils using restrictive physical interventions must be assessed to ensure they are safe, suitable and appropriate for use with the named pupil. They should be agreed in partnership with the pupil, his/her parents (or those with parental responsibility) and other statutory agencies working with the pupil.

This is especially the case when children are looked after by the local authority, in respite care, or cared for by others with legal responsibility in order to ensure that there is a consistent approach to the use of physical intervention in and out of school. In the event of disputes over, or concerns about, techniques and methods being considered, an interim school strategy should be agreed and the matter referred to the LA. If necessary, adjudication might be offered by an independent officer, or group nominated by the Local Safeguarding Children Board.

For what kinds of behaviours would the school view it necessary to consider planned use of physical intervention?

What action does the school intend to take to assess and manage the risks?

What steps does the school take to ensure that all staff coming into contact with pupils who may represent a risk has necessary information on the pupil concerned?

How will the school ensure that planned use of physical intervention is compatible with a positive approach to improving behaviour and in keeping with the pupil's statement and pastoral support plan?

What action will the school take to assess techniques and methods for implementing planned use of physical intervention?

Who will the school work in partnership with to agree the techniques and methods to be used to implement planned use of physical intervention?

What process is in place for you to refer disputes or concerns to the LA?

Use of restrictive physical interventions in unforeseen and emergency situations

Schools should acknowledge that, on occasion, staff may find themselves in unforeseen or emergency situations when they have no option but to use reasonable force to manage a crisis. It is recommended that:

- before using force - staff attempt to use diversion or diffusion to manage the situation;
- when using force - staff must use techniques and methods with which they are familiar, confident and are permitted by the school; and
- in exceptional circumstances (where permitted techniques are ineffective or staff are unfamiliar with the action they should take) – staff manage the situation as best they can to comply with Section 93 of the Education and Inspection Act 2006.
- What kinds of unforeseen or emergency situations might staff find themselves in within your school?
- What techniques and methods for implementing use of physical force to control or restrain pupils will be acknowledged as suitable for use in typical emergencies?
- What actions are staff required to take to report and record use of physical force in unforeseen and emergency situations?
- Who will provide staff and children with support after incidents?
- Who will check for injuries, provide first aid and arrange for medical aid?
- Who will ensure that injuries are reported in line with the Incident/Accident Reporting and Investigation Corporate Procedure CP22?

Staff should always report and record use of physical force that occurs in unforeseen or emergency situations using school procedures.

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, it is important 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 should be reported and recorded in accordance with school procedures.

All injuries to staff and pupils should be reported via the Online Accident Reporting System (OARS) on the Health & Safety section of the intranet, in line with the Incident/Accident Reporting and Investigation Procedure CP22.

Reporting and recording use of restrictive physical interventions

After incidents in which physical intervention is used, staff should report and record the matter in accordance with school procedures. All incidents requiring the use of physical intervention should be thoroughly and systematically documented within school records such as registers, logs, and incident books. The school should take action to ensure that parents and the local authority are informed about these incidents in accordance with agreed local procedures and time scales.

Issues for schools to address:

How are incidents to be reported and recorded?

What action will the school take to inform parents and the local authority about incidents?

Monitoring use of restrictive physical interventions

Use of physical intervention in school should be monitored in order to help staff learn from experience, promote the well-being of children in their care, and provide a basis for appropriate support. The lessons learnt may provide a strategy for avoiding the use of physical intervention if similar incidents recur. Monitoring can help schools to determine what specialist help is needed for children and to assess the appropriateness of the child's placement at the school. Information on trends and emerging problems should be shared within the school using local procedures.

Monitoring information should be reported on a regular basis to school governors.

How will you monitor and evaluate the use of physical intervention?

How will incident monitoring inform risk assessment and management?

Responding to complaints

The use of restrictive physical intervention can lead to allegations of inappropriate or excessive use. In the event of a complaint being received by a school in relation to use of force by staff, the matter should be dealt with as set out earlier in Section 14.

Staff training

Training in physical intervention methods that are acceptable within the school is available and teachers and support staff should be encouraged to take up such opportunities. This training is intended to help staff to link meeting children's needs with positive behaviour management. Staff involved in implementing planned use of physical intervention, as part of a behaviour management strategy within the school, should be provided with training in the range of intervention techniques they are expected to use in their day-to-day work. On successful completion of training, staff should be expected to practice their skills and periodically attend updates.

How will you choose training for your school and what is the training to include?

How will staff be assessed and updated?

Assessing and Managing Risks for Children Who Present Challenging Behaviours

The risk assessment and management pro-forma included in this section has been designed to help teachers, learning support assistants and other adults working in special schools. It may be equally applicable to EOTAS provisions, including PRUs, to improve practice in relation to the assessment and management of risk posed by pupils with severely challenging behaviour. The risk may be to the pupils themselves, other pupils, teachers, other adults or property.

What is meant by "risk" and "risk assessment"?

The term "risk" refers to any circumstances which could lead to adverse outcomes for the child or others. Risks may arise in relation to a number of factors, such as the health care and social support arrangements for the child; interactions between the child and his or her environment; the direct impact of behaviour(s) presented by the child; measures and interventions employed to reduce, limit or manage the risks presented to the child and others. Risk assessment and management is a process that helps staff and others to consider risk issues, to act reasonably, and to learn from what happens in everyday practice. In the main, risk assessment and management involves:

- using what is known, in the light of experience, to make rational judgements about risk issues;
- weighing up options and taking reasonable risks;
- taking action to implement a range of approaches to support and safeguard children. By working in this way it is possible to make decisions and take actions to:
- limiting the level of inherent risk to which children and others are exposed;
- taking calculated risks to broaden the child's experience and maximise his or her individual potential;
- avoiding unreasonable risks for this child and others; and
- ensuring that strategies used to respond to challenging behaviour are reasonable, and proportionate to the risks presented by the behaviour.

Using a structured approach to risk assessment and management will help staff to make decisions about what can reasonably be done to limit risks. At the same time it will help prepare them for times when things go wrong. Challenging behaviours are often foreseeable, even though it may be difficult to predict exactly when they will occur or the degree of challenge they will pose. As a general rule, schools should:

- explore why children behave in ways that pose a risk;
- try to understand the factors that influence the behaviour;
- recognise the early warning signs that indicate that the child's behaviour is beginning to emerge, and
- develop the skills to manage difficult situations competently and sensitively. The measures agreed for managing identified risks should be set out in an agreed behaviour management plan for the individual child.

Risk assessment and management can also be used in emergency situations when unforeseen risks occur.

Risk assessment involves a consideration of potential and actual risk. Key steps are:

assessing the context for risk - trying to predict the situations in which risks do/may occur. For example, situations where pupils might feel frustrated, pupils being near open roads, on transport or in crowded places;

assessing probability - trying to estimate how likely it is that the risk situation will occur and whether any injury or harm is very likely to occur, likely to occur, or unlikely to occur; and

assessing seriousness - trying to gauge the kind of injury and harm that could result. For example: choking, bruises, bleeding, sprains, broken bones, stress, burnout, panic attacks, nervous breakdowns and post traumatic stress disorder.

In this part, it is assumed that the school will apply the risk assessment and management pro-forma. For some pupils, it will be appropriate for the LA to conduct the initial assessment, followed by updating by the school.

When assessed, all risks should be recorded in accordance with relevant requirements such as LA or school policies. In the event that risks are thought to be serious for the child or others, the school may need to use formal risk assessment frameworks and tools, such as the Health and Safety Executive's "Five steps to Risk Assessment".

Exploring risk reduction options

Risk reduction involves an examination of risk management options and consideration of the benefits and drawbacks of each option for the child, staff and others concerned. After weighing up the options available, some may be discarded as unsuitable. This will usually be because they have insufficient impact on the risk or have too many drawbacks. A record should be kept of risk reduction options examined and discounted as well as those adopted for each pupil. Risk reduction should include:

proactive measures to support the child effectively and prevent difficulties emerging; early interventions to help the child in difficult situations and avert problems; and planned measures to manage the child and others safely, when unavoidable difficulties arise.

In circumstances where there are concerns that the risk reduction options being considered may themselves give rise to risk to the pupil or others, it would be prudent for schools to seek advice from other bodies. These may include:

the Local Safeguarding Children Board (LSCB) for concerns in relation to children;
the Health and Safety Executive for concerns in relation to school staff and others;
medical advisers;
legal advisers; or
the LA education and/or social services.

(For further information, please see the key contact list at the end of this document)

Deciding risk management measures

The measures selected to prevent risks occurring, manage risks that arise and respond to injuries and harm that occur should be based upon a full appraisal of all the risk management options. In agreeing the risk management strategy, it is important to be

explicit about inherent risks that continue to exist, even when the strategy is fully implemented; risks that can be reduced by implementing the strategy; and the risks that can be prevented by implementing the strategy, and any risks inherent in the strategy.

The agreed risk management measures should form the basis of the child's behaviour management plan and the school's risk management strategy. All decisions made about risk management options should be recorded in accordance with school procedures. When selecting risk management procedures for the child's behaviour management plan and the school risk management strategy, schools should involve parents, or those with parental responsibility. Both sides benefit from such an approach; parents can examine measures for supporting their child within a broader context, while schools find out things that might otherwise be overlooked.

Professionals from other agencies should also be consulted in the process of deciding the best options to eliminate, reduce or limit the risk, without placing unreasonable restrictions on the child, children, school staff or others, or putting others at unreasonable risk. Accommodation and resources will influence the strategy employed. In the event that there are disputes or concerns about the measures employed, it would be prudent for schools to seek advice from the people or bodies listed in the preceding section.

Sharing and communicating an agreed approach

Once agreed, the behaviour management plan, risk management strategy and positive handling plan should be shared with all those responsible for implementing or monitoring the impact of the plan. This is important as it will help to ensure that those concerned know how children are to be supported and why, which behaviours are to be managed and how they are to be managed; and which risk reduction measures are to be employed and when. The risk management strategy can be shared through discussion groups, meetings and circulating information. Those who should be informed include:

the child;

his/her parents or those with parental responsibility;

members of the teaching team and other school staff; and

other professionals involved with the child, child protection teams and other agencies.

Schools should keep a record of those informed about the strategy.

Staff training

Once the plan and risk management strategy have been shared with those who work with and support the child, consideration should be given to the ability of staff to implement the strategy. In particular, steps should be taken to determine what training may be required prior to implementation. This is key, because successful implementation will be dependent on staff competence and expertise. School records should show training needs identified as a result of the strategy and how training was provided to enable staff to implement it. Where it is apparent that there are staff with significant training needs, implementation of the risk management strategy should be modified until relevant staff training has been provided. In some instances, staff training will be required as a matter of urgency so that implementation can take place without delay.

It is the responsibility of the school to ensure that records of training are kept and that staff training is refreshed within the recommended timescales.

In addition, the Local Authority Officer responsible for over-seeing the training will also keep a record of all staff who have received training in the team teach approach. The Local Authority will provide schools with sufficient notice when refresher training is needed.

Evaluating impact and effectiveness

Along with other aspects of their approach to restrictive physical intervention, schools should regularly review risk assessment and management measures. All evaluations of plans and strategies should be reported using school procedures and recorded in school records. These will make an important contribution to informing future planning and improving day-to-day practice.

SECTION THREE

Appendices

Appendix 1	Draft schools or other educational settings policy on the use of reasonable force to control pupils
Appendix 2	Additional guidelines for pupils identified with BESD
Appendix 3	Additional guidelines for pupils identified with Severe Learning and Communication Difficulties
Appendix 4	An example of a risk assessment format
Appendix 5	Proforma for assessing and managing foreseeable risks for children who present challenging behaviours – developing a Behaviour Management Plan
Appendix 6	An example of a positive handling plan
Appendix 7	An example of a recording form
Appendix 8	Do's and don'ts in relation to restrictive physical interventions
Appendix 9	Checklist for developing a school policy
Appendix 10	School Policy – Suggested Framework
Appendix 11	Key Contact in Neath Port Talbot

APPENDIX 1

DRAFT SCHOOLS OR OTHER EDUCATIONAL SETTINGS POLICY ON THE USE OF REASONABLE FORCE TO CONTROL PUPILS

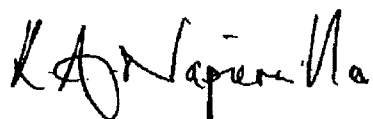
Table of Contents

FOREWORD

Dear Colleague

This document should be read in conjunction with the WAG Guidance Document 041/2010 Safe and Effective Intervention and the Neath Port Talbot LEA Policy on Positive Handling Strategies for Pupils in Schools and Educational Settings. They have been written to make explicit the expectations that Neath Port Talbot LEA has of staff in schools and other educational settings 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.

A handwritten signature in black ink, appearing to read 'Karl Napieralla'.

Karl Napieralla., OBE

Corporate Director for Education, Leisure & Lifelong Learning

Model School Policy on Care and Control and the Use of Force

Policy Statement

- 1.1. The aim of this schools 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 Inspections 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 "**School**" 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 "**School**" 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 seriously 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, governors, parents and pupils with an understanding of care and control and the use of force.
- 1.12. 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.
- To use minimum force, provide maximum care and resolve in minimum time.

Who Can Use Reasonable Force?

We recognise that most of the 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 head 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 head 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 When 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:
 - 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, 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

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
- ❑ 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 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.

An 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 Neath/Port 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 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 pupil 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.

Review

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

APPENDIX 2

Behavioural, Emotional and Social Difficulties

The needs of children and young people who present emotional and behavioural difficulties pose a range of challenges.

At one end of the spectrum of need are young people who behave in ways that are considered disruptive. They may display behaviour that is socially inappropriate and in some instances is dangerous.

There is a qualitative difference between deliberately disruptive behaviour and impulsive behaviour arising from emotional/psychological disturbance – such as self-harm.

Both sorts of behaviour raise concerns because of the possible increase of risk of injury to the young persons or their educators/carers or to other children. Instances where pupils have a total disregard for the safety of themselves or others (such as deliberately pushing their hands through window glass, throwing items at others, self-injury or deliberately wandering across a busy road) present circumstances where there may be no alternative other than to restrict the young person's range of movement by reasonable force.

Such young people often have difficulties in appreciating or understanding the consequences of their actions or their environment. Some young people, as a result of their own insecurity, will test the limits of acceptable behaviour by adopting extremes of emotional or physical behaviour. {Please earlier section – The use of restrictive physical interventions for pupils with severe behavioural difficulties.}

APPENDIX 3

Severe Learning and Communication Difficulties

At another extreme, young people and children with severe learning difficulties or communication difficulties present another set of challenges. They may lack self-motivation and self-care skills, which invariably requires staff to physically prompt, encourage or guide them to participate in activities.

For such pupils, challenging behaviour may be a response to a particular situation that is disturbing to them. It may be an act of frustration as a result of being unable to express something or do something. In many cases it will be of a very individual nature, such that the particular triggers or circumstances are entirely unique to that individual. Positive handling for this behaviour may need to be related much more closely to an Individual Positive Handling Plan designed specifically for each individual pupil, and agreed with the parent/carer.

The complexity, range of need and the consequent support for the young person is such that it must always be related to the age, maturity, understanding and capacity of the individual. It should be consistent with their individual positive handling plan.

APPENDIX 4

Risk Assessment Form for Child Violence and Aggression

Step 1. Level of Hazard

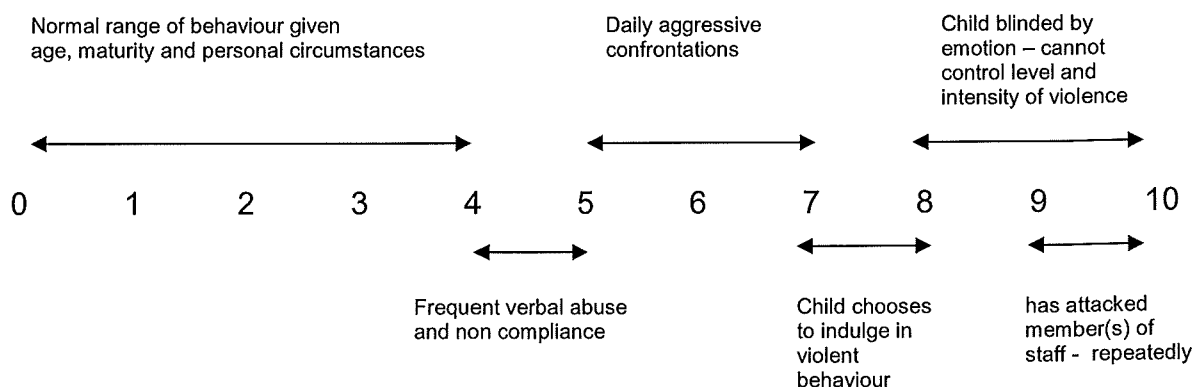
Determine the Level of Hazard by using the scale:

- 1 = Low Doubtful if there will be any effect or at the most a minimal effect.
- 2 = Medium Could cause injuries or illness resulting in a few days absence or noticeable damage to equipment.
- 3 = High Could result in serious injury or illness resulting in hospitalisation or severe damage to equipment and/or premises.

Level of hazard = _____ (Insert figure 1,2 or 3)

Step 2a. Child's history of aggression and violence

Rate the child from 0 to 10 on its history of violent incidents over the last 12 months, using this scale:



History of aggression and violence = _____ (Insert figure between 1 and 10)

Step 2b. To determine the effect of environmental pressures:

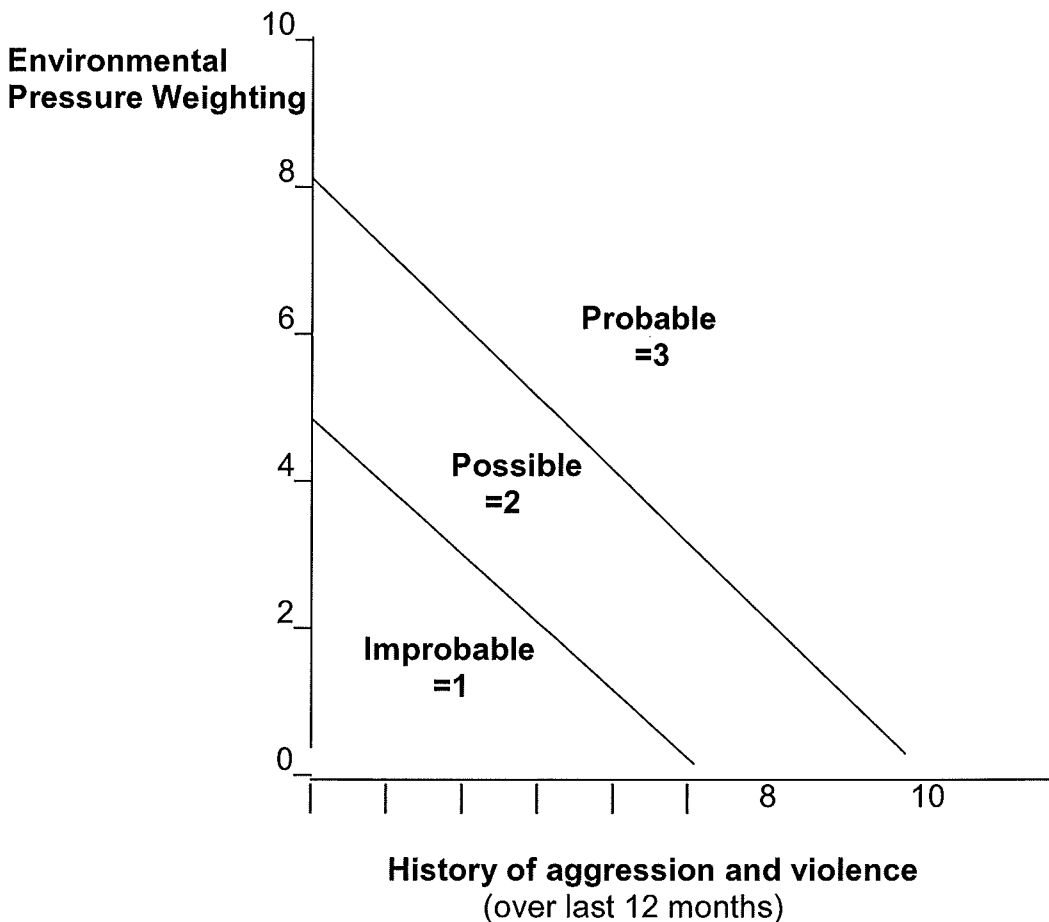
Rate each factor below on a 3 point scale from 0 to 2:

Home circumstances	___	Peer group	___
Teacher behaviour	___	Break-time supervision	___
Pressures from buildings	___	Recent training	___
Child's perception of school	___	Group size	___
Child's ability to cope with Curriculum	___	Cultural expectations	___
Curriculum pressures	___	Bullying	___
Whole school ethos	___	Other	___

Select the 5 highest figures and add them together to give:

Environmental Pressure Weighting = _____

Step 2c. Use results from 2a and 2b above on the following diagram to assess the probability:



Probability = _____ (Insert figure from 1 (improbable) to 3 (probable))

Step 3 – Calculate Risk Potential

Multiply the score for the Level of Hazard (Step 1) by the score for Probability (Step 2c)

Risk Potential = _____ x _____ = _____

Step 4 – Implementing Control Measures

Select and implement appropriate Control Measures:

Risk Potential	Control Measure	Date Implemented
1 – 3 Low	No additional support required	
3 – 6 Medium	Consider individual agreements with IBP	_____
6 – 9 High	Should not be expected to be taught without intervention	_____

APPENDIX 5

Proforma for assessing and managing foreseeable risks for children who present challenging behaviours –developing a Behaviour Management Plan

Name of child

Class group

Name of teacher

School

Identification of Risk Describe the foreseeable risk Is the risk potential or actual? (Has there already been an incident?) List who is potentially affected by the risk.	
Assessment of Risk In which situations does the risk usually occur? How likely it is that the risk will arise? If the risk arises, who is likely to be injured or hurt? What kinds of injuries or harm are likely to occur? How serious are the adverse outcomes?	

Assessment completed by:

Print Name

Signature Date

Risk Reduction Options

Measures	Possible options	Benefits	Drawbacks
Proactive interventions to prevent risk.			
Early interventions to manage risk.			
Reactive interventions to respond to adverse outcomes.			

Agreed by:

Relationship to child

.....

Date:

Communication of Behaviour Management Plan and School Risk Management Strategy

Plans and strategies shared with	Communication Method	Date Actioned

Staff Training Issues

Identified training needs	Training provided to meet needs	Date training Completed

Evaluation of Behaviour Management Plan and School Risk Management Strategy

Measures set out	Effectiveness in supporting the child	Impact on risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		

ACTIONS FOR THE FUTURE

APPENDIX 6

Positive Handling Plan

The positive handling plan should be a working document that outlines the agreed intervention strategies; non-verbal, verbal and physical, which supports the client. The needs of the child must be considered fully in devising a positive handling plan. As such any disability or medical / health needs need to be key factors in determining appropriate strategies to be used. For pupils with disabilities or medical / health needs, it is strongly recommended that advice from appropriate professionals is sought to contribute to the plan.

The definition of 'disability' under the Equality Act 2010 - In the Act, a person has a disability if:

- they have a physical or mental impairment
- the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities

For the purposes of the Act, these words have the following meanings:

- 'substantial' means more than minor or trivial
- 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions)
- 'normal day-to-day activities' include everyday things like eating, washing, walking and going shopping.

Risk assessment information should be used to provide simple guidance to ensure that, where risk is present, all staff and others who are responsible for managing risk have knowledge, skills and understanding of the agreed strategies to reduce risk.

Where a risk has been identified a positive handling plan is required to justify the use of a physical intervention.

The positive handling plan should be available to anybody who needs to reduce the risk presented to themselves or others. As well as revisiting them annually, staff should continually add information to the master copy and the document should be re-issued where changing information suggests a change in the agreed strategies. (Source: *team teach workbook p42*)

Positive Handling Plan

Name of Child _____ Name of School _____ Plan Number _____

Name of staff member completing the positive handling plan: -

Name of the staff member responsible for the plan:

Nature of child / young person's disability (if any)

Known medical / health needs of the pupil:

Explain how the known medical / health needs have been factored into the plan?

Date of plan: _____ Date of review of plan: _____

Positives- What is the pupil good at and what do they like doing?	Antecedence- What situations have led to problems in the past? – e.g. times, places, lessons, members of staff	Successful approaches- What proactive interventions have been effective in preventing the pupil's anxiety rising?
1.	1.	1.
2.	2.	2.
3.	3.	3.
4.	4.	4.
5.	5.	5.

Describe any modifications to the environment or pupil routines that can be implemented to prevent anxieties rising?

1.
2.
3.

De-escalation- Describe any strategies that have worked in the past or should be avoided.

Strategy	Description of Impact	Try	Avoid
Use of photographs, PECs, symbols			
Verbal advice and support			
Firm clear directions			
Negotiation			
Limited Choices			
Distraction			
Diversion			
Reassurance			
Planned ignoring			
Contingent touch			
C.A.L.M. talking/stance			
Take up time			
Withdrawal offered			
Withdrawal directed			
Change of face			
Reminders of consequences			
Humour			
Success reminders			
Others			

From your risk assessment what is the likelihood of a child harming himself or herself, another child or adult in the event of an incident. Is it:-

Improbable	YES	NO
Possible	YES	NO
Probable	YES	NO

Please indicate whether this behaviour is likely to be directed towards a pupil or member of staff.

Type of incident	Towards other pupil	Towards member of staff
Verbal abuse		
Severe disruption of lesson		
Slapping		
Pinching		
Biting		
Punching		
Spitting		
Hair grabbing		
Neck grabbing		
Clothing grabbing		
Arm grabbing		
Body holds		
Weapons/missiles being thrown		

Preferred strategy for dealing with above incidents

Type of Incident	Approach									
	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
Verbal abuse										
Severe disruption of lesson										
Slapping										
Pinching										
Biting										
Punching										
Spitting										
Hair grabbing										
Neck grabbing										
Clothing grabbing										
Arm grabbing										
Body holds										
Weapons/missiles being thrown										
Self Harm										

1=Ignoring, 2=Summoning assistance, 3= Summoning external assistance, 4= Cradle Hold, 5= Wrap, 6= Single Elbow, 7= Double Elbow, 8= Figure of 4, 9= Separate fights, 10= Shield.

Follow up- Debrief and repair following the incident

Where	Staff member with whom the child has a good relationship

Notification

Agency	Parent/ Guardian	Social Worker	LEA Officer	GP/ CAHMS	Educational Psychologist	Child Protection Officer	Other
Name							
Signature							
Date							

School

Incidents Involving

Positive Handling.

Care and Control – Intervention

FORM “R”

Start Date: _____

End Date: _____

A report must be completed in full following any incident in which a pupil has been the subject of a restrictive physical intervention.

The Headteacher must ensure that staff have opportunity to fill in this form at the earliest opportunity. A copy of the complete report must be taken and filed on the pupil's personal file along with any supplementary reports.

Definition:

Restraint is the "positive application of physical force with intention of overpowering the client". (D.O.H. 4/93 Section 5.2). There is no legal definition, however the Welsh Assembly Government have 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"

Time off must be allowed following an incident in order for the member of staff to recover and to enable them to complete the form.

The completed forms should be returned to the Head Teacher.

If any member of staff has any doubts about completing the forms, they should contact their Trade Union representative.

School

Record of Incident Involving Positive Physical Intervention of Pupils

This report consists of Four pages and should normally be completed as soon as practically possible after the incident.

Name of Pupil: _____ **Year/Group:** _____

Gender: Male ☐ Female ☐ **Is the pupil a Looked After Child?** Yes ☐ No ☐

Ethnic Origin					
White		White and Black Caribbean		Black – British	Bangladeshi
White - British		White and Black African		Black – African	Indian
White – Irish		White and Asian		Black – Caribbean	Pakistani
White – Gypsy		Any other mixed		Black – Other	Any other Asian
Any Other White		Chinese		Asian	Any other ethnic group (Please Specify)
Mixed		Black		Asian - British	

Date of Incident: _____ **Time of Incident:** _____ **Place:** _____

Reporting Staff: _____ **Staff Involved:** _____

Staff Witness: _____

Pupil Witness: _____

Behaviour	x	Reason for Physical Intervention	x	Management	x
Assault		Child Liable to Injury		Talk Through	
Vandalism		Other Child Liable to Injury		Sanction	
Bullying		Staff Liable to Injury		Reparation	
Abuse		Property Liable to Damage		Internal Suspension	
Serious Disruption		Good Order Prejudiced		Exclusion by Headteacher	P/F

1.1 Concise details of how the incident began and nature of pupil behaviour.

1.2 De-escalation techniques used prior to physical intervention.

Verbal advice and support	<input type="checkbox"/>	Reassurance	<input type="checkbox"/>
Calm Talking	<input type="checkbox"/>	Humour	<input type="checkbox"/>
Distraction	<input type="checkbox"/>	Options offered	<input type="checkbox"/>
Step Away	<input type="checkbox"/>	Support Systems	<input type="checkbox"/>
Negotiation	<input type="checkbox"/>	Non-threatening Body Language	<input type="checkbox"/>
Physical Intervention (Excluding		Instruction	<input type="checkbox"/>
Restraint)	<input type="checkbox"/>	Other (Please Specify)	<input type="checkbox"/>
Warning	<input type="checkbox"/>		

1.3 Positive Physical Intervention technique (s) used. Enter sequence number and number of staff.

Technique	Standing		Sitting/ Chairs		Kneeling		Ground	
Single Elbow hold								
Figure of Four								
Double Elbow hold								
Wrap								
Shield								

Length of Time of Positive Physical Intervention: _____

Brief Description of Positive Physical Intervention: _____

1.4 Details of any Injury Staff ☐ Pupils ☐ Both ☐

Body map completed overleaf	Yes <input type="checkbox"/> No <input type="checkbox"/>
Medical Treatment	Yes <input type="checkbox"/> No <input type="checkbox"/>
Accident Form completed	Yes <input type="checkbox"/> No <input type="checkbox"/>

Give brief details of injury and treatment: _____

1.5 Damage to Property Yes ☐ No ☐

Give brief details: _____

1.6 Incident Reported to (Name): _____ **Time:** _____ **Date:** _____**1.7 Signature of Report Compiler:** _____ **Time:** _____ **Date:** _____**1.8 Signatures of other staff involved** Supplementary report appended to pupil file
to pupil file copy copy

_____	Date: _____	Yes <input type="checkbox"/> No <input type="checkbox"/>
_____	Date: _____	Yes <input type="checkbox"/> No <input type="checkbox"/>
_____	Date: _____	Yes <input type="checkbox"/> No <input type="checkbox"/>

_____ Date: _____ Yes ☐ No ☐

1.9 Post Incident Discussion with Pupil

Location: _____ Date: _____ Time: _____

Present: _____

Brief description of outcomes: _____

Signatures: Pupil _____ Lead Member of Staff _____

1.10 Action taken by Headteacher/ Deputy Headteacher

1.11 Name: _____ Designation: _____

1.12 Incident Log Checked Complete ☐ Signed by Head ☐

Parents Informed: _____ Date: _____ Time: _____

Follow up Letter to Parents: _____ Date: _____

Other Professionals Informed: Yes ☐ No ☐

Name	Designation	Date Informed

Post Incident Discussion with Staff: _____ Date: _____ Time: _____

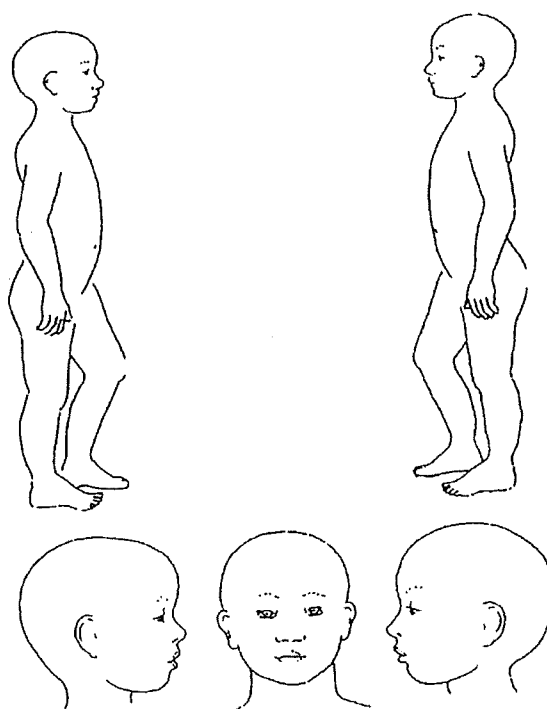
Strategies agreed at Post Incident Meetings to be incorporated into BMP (Behaviour Management Plan)

Copy Lodged on Pupil File ☐

Signed: _____ Headteacher. _____ Date: _____

School: _____

Body Map



Details of injuries as marked on Body Map:

Body Map Completed by:

Name: _____ **Date:** _____ **Time:** _____

APPENDIX 8

PHYSICAL INTERVENTION OF PUPILS AT SCHOOL:

Reminder to staff of DOs and DON'Ts ➤

DO :

- ❖ Know the procedures within the school's guidelines for the use of physical intervention. [A copy of these is available from]
- ❖ Discuss the procedures with a senior member of staff if you are unsure of any point.
- ❖ Send for adult help early if things begin to get out of hand and physical intervention seems likely especially if you have not had training.
- ❖ Assess the situation calmly before acting.
- ❖ If you have been trained use a recognised physical intervention strategy
- ❖ Use the minimum restrictive physical intervention strategic for the minimum time with maximum care.
- ❖ Report the incident to the Headteacher or Senior Member of Staff as soon as possible and complete a report.

DO NOT :

- ❖ Place yourself at risk by attempting to intervene physically with a pupil who is obviously carrying a weapon.
- ❖ Attempt to use a restrictive physical intervention on a pupil when you have lost your temper.
- ❖ Use excessive force.
- ❖ Place yourself at risk of false allegation, i.e. avoid being alone with a pupil if possible.
- ❖ **Under any circumstances use a restrictive physical intervention which results in an individual being restrained in a face down position**

APPENDIX 9

Checklist for developing a school restrictive physical intervention policy in Neath Port Talbot

	✓
Is the school policy on the use of a restrictive physical intervention consistent with the policy on behaviour and discipline?	
Does the policy explain when staff can use a restrictive physical intervention? <i>[i.e. when a criminal offence is being committed, to prevent injury, damage to property or to maintain or restore good order].</i>	
Does the policy explain that using a restrictive physical intervention try to maintain good order can be counter-productive?	
Does the policy make it clear that any restrictive physical intervention should be consistent with the circumstances?	
Does the policy give examples of what constitutes the use of reasonable force? <i>[e.g. standing between pupils].</i> consistent with the circumstances?	
Does the policy give examples of what would constitute unreasonable force or an inappropriate restrictive physical intervention? <i>[e.g. holding face down on the ground]</i>	
Is it clear who is authorised to use restrictive physical intervention when using reasonable force in the school?	
Are all the staff in school aware of the policy?	
Have parents been notified of the policy?	
Do staff know what to do if they feel it is unwise for them to use restrictive physical intervention in a situation which requires it? <i>[i.e. ensure safety of the pupils and seek help]</i>	
Do staff know under what circumstances it would be appropriate to consider contacting the Police?	
Do staff know how incidents of restrictive physical intervention are to be recorded? <i>[i.e. Form R].</i>	
Does the school have a procedure for informing parents about incidents of restrictive physical intervention?	
Does the school have a procedure for debriefing pupils after an incident of restrictive physical intervention?	
Does the school have a procedure for debriefing staff after an incident of restrictive physical intervention?	
Do staff know how to access further support?	
Do parents have access to a complaints procedure?	
How would staff know if there were particular pupils in school for whom any physical contact could be a particularly sensitive issue?	
Does the school have a procedure for monitoring the frequency of restrictive physical interventions used in the school and is the local authority notified of incidents?	

--	--

APPENDIX 10

School Policies - Suggested Framework

Situations involving decisions about whether to use force can occur in any school. Both using force and deciding not to can entail significant risks for pupils and staff. Establishing a clear school policy on the use of force by staff is an important part of minimising these risks.

Each school needs to develop a policy tailored to its particular circumstances. It is good practice to do this in consultation with governors, staff, parents and pupils. Schools may find the framework below helpful in developing or reviewing their own policies.

School Policy on the Use of Force by Staff to Control or Restrain Pupils **Objectives**

These could include statements about:

- the key objective of maintaining the safety of pupils and staff;
- preventing serious breaches of school discipline;
- preventing serious damage to property; and
- the need to preserve children and young people's rights.

Minimising the need to use force

This section could include material about:

- creating a calm environment that minimises the risk of incidents that
- might require using force arising;
- using social and emotional well-being approaches to teach pupils how to
- manage conflict and strong feelings;
- de-escalating incidents if they do arise;
- only using force when the risks involved in doing so are outweighed by
- the risks involved in not using force; and
- risk assessments and positive handling plans for individual pupils.

Staff authorised to use force

This section could deal with both permanent and temporary authorisation.

On permanent authorisation, it could make clear that all teachers and staff the head has authorised to have control or charge of pupils automatically have the statutory power to use force and identify which categories of staff this covers.

On temporary authorisation, it could explain:

The circumstances in which staff whose jobs did not normally involve supervising pupils and volunteers working with pupils will be authorised to be in control or charge of pupils and therefore have statutory power to use force; and how teachers and other staff with permanent authorisation will know who has temporary authorisation.

Deciding whether to use force

This section could set out guidelines to help staff decide whether or not to use force in particular circumstances. For example, it could suggest that staff should only use force when:

- the potential consequences of not intervening were sufficiently serious to justify considering use of force;
- the chances of achieving the desired result by other means were low;
- the risk associated with not using force outweighed those of using force.

This section could also make clear:

- how 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); and
- how staff should minimise the highest risks, for example by calling the police if a pupil suspected of having a weapon seems likely to resist a search.

Using force

This section could emphasise the importance of only using the minimum force necessary to achieve the desired result.

The section could also:

- advise giving a clear oral warning to the pupil that force may have to be used;
- suggest types of force that could be used, making it clear that any form of restraint that is likely to injure a pupil (particularly anything that could constrict breathing) should only be used in extreme emergencies and where there was no viable alternative;
- advise staff that, as far as possible, they should not use force unless or until another
- responsible adult is present to support, observe and call for assistance.

Staff training

This section could deal with:

- how decisions about training are made;
- how training is provided.

Recording incidents

This section could set out the school's arrangements for deciding which incidents to record and how to record them.

Schools may wish to use their own version of the attached incident recording form.

Reporting incidents

This section could set out the school's arrangements for reporting recordable incidents to parents.

It could also deal with reporting to external agencies such as other local authority children's services, the local Children's Safeguarding Board, the Health and Safety Executive, youth offending teams and the police.

Post incident support

This section could set out arrangements for supporting staff and pupils involved in incidents, including meeting immediate physical needs and rebuilding relationships, and ensuring that lessons are learned from the incident.

Complaints and allegations

This section could set out the school's arrangements for dealing with complaints and allegations of misconduct arising from incidents.

Monitoring and review

This section could set out the school's arrangements for monitoring the impact of its policy on use of force and for reviewing and developing the policy, including the roles of senior leaders and governors.

APPENDIX 11

Key Contacts within Neath Port Talbot Education Department

AREA	NAME	DESIGNATION	CONTACT DETAILS
Senior Named Safeguarding Officer	Aled Evans	Head of Schools, Inclusion and Lifelong Learning	Tel: 01639 763226 Email: a.evans@npt.gov.uk
Safeguarding / Monitoring of use of RPI in schools and other Educational Settings	Amanda Hinton	Safeguarding and Vulnerable Adult Officer	Tel: 01639 763363 Email: a.hinton@npt.gov.uk
Health and Safety	Helen Owen	Health and Safety Officer	Tel: 01639 763961 Email: h.owen@npt.gov.uk
Legal	Ian Guy	LA Barrister	Tel: 01639 763365 Email: i.guy@npt.gov.uk
Policy and Training	Huw Davies	Development Officer for Inclusion	Tel: 01639 763986 Email: h.e.davies@npt.gov.uk
Training	Sian Luscombe	Teacher Development Officer and Team Teach Tutor	Tel: 01639 763985 Email: s.luscombe@npt.gov.uk

