



Baden Powell Primary School

Use of Reasonable Policy
Force Policy
2023/24

Chair of Governors Aunt Parsons Date 30/11/23
Head Teacher Oliver Date 30/11/23

Use of Reasonable Force Policy

Date ratified:

Dates reviewed and or amended:

Foreward

This document should be read in conjunction with the Inter-Agency “Policy and Guidance Framework - The Use of Reasonable Force to Control Pupils”. They have been written to make explicit the expectations that the School Service has of school staff and those responsible for their training. Staff acting in good faith, working within these guidelines and protocols will be positively supported in their actions.

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

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Care and Control and the Use of Force

1.0 Policy Statement

- 1.1 This policy is based on Welsh Office Circular 097/2013 "Safe and Effective Intervention" and the corresponding Cardiff Inter-Agency document, "The Use of Reasonable Force to Control Pupils - Policy and Guidance Framework".
- 1.2 At "**School**" we work to ensure each individual pupil is able to reach his or her potential. Every child is entitled to learn and every teacher is free to teach in an environment that is safe, secure and free from distraction. The guiding principles to achieve this should be established in the school policy on positive behaviour management.
- 1.3 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 in line with Section 93 of the Education and Inspections Act 2006 which replaced the 1996 Education Act Section 550A, to intervene when there is an obvious risk of safety to pupils, staff and property.
- 1.4 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.
- 1.5 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 School Service advice and guidance, it is used as a 'last resort' option and in the most extreme cases, other strategies will always have been attempted first.
- 1.6 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.

2.0 What is The Legal Use of Reasonable Force To Control Pupils?

2.1 Teachers and other persons authorised by the Head teacher to have charge of pupils, may use reasonable force to prevent pupils:

- causing injury to themselves or others
- committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility)
- causing serious damage to property
- causing disruption by engaging in behaviour which is seriously prejudicial to good order and discipline.

Weapons

- Reasonable force may 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 (one male, one female) required to be present at a search. However, the Welsh Assembly Government strongly advises schools not to search pupils where staff decide it is not safe for them to do so, but they still suspect a weapon is present. They should NOT search and should call the Police - especially if they believe that pupils or staff are at serious risk. Guidance emphasises that the power to search is not a duty. Welsh Assembly Government recommends training before staff are authorised to carry out searches.
- 2.2 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

3.0 Objectives Of This Policy

- 3.1 To provide all staff, governors, parents and pupils with an understanding of care and control and the use of force.
- 3.2 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.
- 3.3 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.

4.0 Who Can Use Reasonable Force?

- 4.1 We recognise that most of the time positive handling will be used infrequently, that is, as a last resort to maintaining a safe environment.
- 4.2 All teaching staff are by the nature of their roles authorised to use positive handling as appropriate.
- 4.3 Non-teaching staff require specific authorisation. This authorisation can only be given by the Head teacher or someone deputising in his/her absence.
- 4.3 Authorised staff will be notified formally. A list of authorised staff is available. (Appendix A)
- 4.4 Where possible staff who are Team Teach trained will manage positive handling incidents.

5.0 Circumstances When Reasonable Force Might Be Appropriate?

- 5.1 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 in 2.1, reasonable force might be appropriate when:
- Action is necessary in self-defence or because of imminent risk of injury.
Examples:
 - Pupil attacks a member of staff, another pupil, attempts self-injury, pupils are fighting
 - 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.
Examples:
 - Pupil is causing or about to cause deliberate damage or vandalism

- Pupil is causing or at risk of causing injury or damage by accident, rough play, misuse of dangerous materials or objects
 - Where pupil's behaviour is seriously prejudicial to good order and discipline
- Examples:
- Pupil persistently refuses to obey an order to leave the classroom
 - Pupil is behaving in a way that is seriously disrupting a lesson

5.2 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.

5.3 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.

6.0 Procedures and practical considerations during specific incidents

6.1 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.

6.2 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

7.0 Application Of Force During Specific Incidents

7.1 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 advanced Team Teach instructors.

- 7.2 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
- 7.3 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

8.0 Reporting and Recording Incidents

- 8.1 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 School Service policy.
- 8.2 All incidents that result in restraint (where a child has to be held) will be recorded in detail
- 8.3 Restraint is **"the positive application of force with the intention of overpowering the client"** (DOH 4/93 Section 5.2).
- 8.4 The member of staff concerned will report the matter orally to the Head teacher or a senior member of staff as soon as possible. The incident will be recorded in the Incident Book by staff at the earliest opportunity, ideally before the end of the school day.
- 8.5 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, but ideally before the end of the school day and should be signed and dated. Staff are advised to keep a copy of the report for themselves.
- 8.6 The Head teacher 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.
- 8.7 Other witnesses to the incident, staff, pupils, will also complete reports. These will be signed and dated.
- 8.10 The Incident Book will be reviewed by the Head teacher and Governor member with responsibility for Additional Learning Needs or Health & Safety termly to consider control measures and possible training or further training needs etc.

8.11 A copy of the Incident Report will be placed in the pupil's file. (appendix B)

9.0 Debriefing Following Serious Incident

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

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

9.3 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.

10.0 Other Procedures Concerning Incidents

10.1 If necessary and appropriate the Chair of Governors, School Service, Children's Services or police will be informed/consulted.

10.2 Help, support and reassurance will be given where appropriate to any victims involved.

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

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

10.5 In serious cases exclusion will be considered.

11.0 Planning for Incidents and Meeting Training Needs

11.1 If we are aware that a pupil is likely to require positive handling on more than one occasion in a term we will plan how to respond in line with Cardiff's Inter-Agency Policy on the Use of Reasonable Force to control pupils Section 6.4. This will include involving the parents to ensure they are clear about what specific action we might need to take and obtaining medical advice if the child has any specific health needs. A risk assessment (Appendix D) and a positive handling plan (Appendix C) 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 on a termly basis.

11.2 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 (accessed through the Behaviour Support Service (Achievement & Inclusion service) for relevant staff.

12.0 Arrangements for Informing Parents

- 12.1 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.
- 12.2 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.
- 12.3 As indicated in 10.1, 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 Agreement or 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.
- 12.4 All parents will be informed after an incident where positive handling is used with a pupil.
- 12.5 Head teachers can ask parents to sign a Home School Agreement (HSA) when their child joins the school. By signing the HSA parents will be indicating their agreement with the School Behaviour Policy.
- 12.6 The SBP policy is expected to set out the circumstances in which physical intervention might be used towards a child, it should be made clear to the parent that, in signing the HSA, they are acknowledging the school's power to use reasonable force on their child as a last resort in the circumstances described in the policy.

13.0 Physical Contact with Pupils In Other Circumstances

- 13.1 Staff must be sensitive to matters relating to culture and gender issues and any known individual characteristics or special circumstances relating to pupils.
- 13.2 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.
- 13.3 Young children and children with ALN may need staff to provide physical prompts or help.
- 13.4 Physical contact must always be age appropriate and done openly.

14.0 Complaints

- 14.1 This policy is in accordance with the Schools Service Inter-Agency Policy of The Use of Reasonable Force to Control Pupils. 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.
- 14.2 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.

As employers, schools and local authorities have a duty of care towards their employees. It is important that schools/LA's provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

- 14.3 All complaints will be recorded and followed up by the Head teacher or their representative in the first instance. Where appropriate the Schools Service will be notified/kept informed.
- 14.4 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 and Social Services under Child Protection procedures. See other guidance in the School Service Child Protection Policy.
- 14.5 Team-Teach techniques seek to avoid injury to the service user(child), but it is possible that injury may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that the pupils and staff remain safe.
- 14.6 When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.
- 14.7 Suspension should not be an automatic response when a member of staff has been accused of using excessive force

15.0 Review

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

Positive Handling Plan

Name of Child _____ Name of School _____ Plan Number _____

Positives- What is the pupil good at and what do they like doing?	Triggers- What situations have led to problems in the past?	Signs of agitation/aggression/anxiety? Early warning signals?
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
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 (Examples)	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=Defusion/de-escalation strats from previous page, 2=verbal request made for behaviour to stop, 3= Summoning external assistance, 4= Wrap, 5= Single Elbow, 6= Double Elbow, 7= Figure of 4, 8= Separate fights, 9= 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							

Name of person completing this form _____

Risk Assessment Documentation

Pupil Name:
Name of Assessor:
Sources of Information:

Designation:

Date of Assessment:

Hazards Identified	Persons at Risk	Likely Consequences	Evaluation/ Level of Risk			Control Measures <small>(action taken to reduce risk)</small>	Action required What/When/Who	Revised Evaluation/ Level of Risk		
			High	Med	Low			High	Med	Low
Refusal										
Verbal aggression										
Physical aggression										
Arm grabbing, neck grabbing										
Biting, hair grabbing, clothing grabbing										
Damage to property										
Running from immediate environment										
Running off site										
Pupils taking objects or possessions off others										
Pupil dropping to floor- "deadweight"										
Self Harm										

Monitoring and Reviewing Arrangements

Copy of form and relevant information passed on to appropriate staff

Signed:

Designation:

Date:

Record of Serious Incident Involving Positive Physical Intervention of Pupils

This report 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

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

Reporting Staff: _____ Staff Involved: _____

Staff Witness: _____

Pupil Witness: _____

Reason for Physical Intervention	x
Child Liable to Injury	
Other Child Liable to Injury	
Staff Liable to Injury	
Property Liable to Damage	
Good Order Prejudiced	

Details of how the incident began and nature of pupil behaviour.

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 Restraint) | <input type="checkbox"/> | Instruction | <input type="checkbox"/> |
| | | Other (Please Specify) | <input type="checkbox"/> |

Warning

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

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

Length of Time of Positive Physical Intervention: _____

Brief Description of Positive Physical Intervention: _____

Details of any Injury Staff Pupils Both

Medical Treatment Yes No

Accident Form completed Yes No

Give brief details of injury and treatment: _____

Damage to Property Yes No

Give brief details: _____

Incident Reported to (Name): _____ **Time:** _____ **Date:** _____

Signature of Report Compiler: _____ **Time:** _____ **Date:** _____

Signatures of other staff involved

_____ **Date:** _____
_____ **Date:** _____
_____ **Date:** _____

NB. Copy to be kept in school & copy kept by person/persons who undertook intervention
Parent/Guardian to be informed

**THE COUNTY COUNCIL OF THE CITY AND
COUNTY OF CARDIFF**

SCHOOLS SERVICE



CARDIFF

CAERDYDD

**POLICY ON THE USE OF REASONABLE
FORCE TO CONTROL PUPILS**

Revised MAY 2004

INTER-AGENCY POLICY ON THE USE OF REASONABLE FORCE TO CONTROL PUPILS

Revised 2004

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/intervention which is inappropriate. These guidelines are in line with Section 550A of the Education Act 1996 (which clarifies the powers of staff, authorised by a Headteacher, to use reasonable force to prevent pupils committing a crime; causing injury or damage; or causing disruption) DfEE Circular 10/98 and Welsh Office Circular 37/98 "The Use of Force to Control or Restrain Pupils" 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".

They have been endorsed by the Cardiff Area Child Protection Committee and should be read in conjunction with the Cardiff Area Child Protection Committee Procedures issued to all schools in October 1998. In addition the NAHT's "The Use of Reasonable Force to Control or Restrain Pupils" produced in 1999, and the NUT's "Unacceptable Pupil Behaviour" produced in 2000 were useful in drawing up the guidelines, and all the teaching unions have been consulted.

Cardiff LEA considers that it is important that all schools should have a clearly articulated whole school behaviour policy from which procedures for the management of difficult behaviour are devolved and which is explicitly shared with parent, pupils and governors. 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 restraint/intervention.

1. Introduction

- 1.1 There has been a common misconception since the Children Act 1989 that any physical contact with a child or young person is unlawful. Teachers and other staff have always had powers under common law to use *reasonable force* to prevent children or young persons committing a crime, causing injury or damage to themselves or others. Section 550A of The Education Act 1996 and Welsh Office Circular 37/98 clarify the situation.
- 1.2 A judgement of what is *reasonable* may be made with reference to the following: -
- The conduct of other practitioners with similar responsibilities
 - An appropriate body of expert opinion
 - The foreseeable risk

2. Definition of physical restraint/physical intervention

- 2.1 There is no legal definition; however it is understood that to physically restrain a pupil is to control the child or young person through the positive application of force.
- 2.2 There is a department of health definition (April 1993, Section 5.2), which discusses permissible forms of control, and it defines restraint as "the positive application of force with the intention of overpowering the client"
- 2.3 The force used must be the minimum necessary to deal with the risk that needs to be reduced

3. Seclusion

- 3.1 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 a form of physical intervention.
- 3.2 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 on the particular circumstances.

4. Legislative Base

- 4.1 Any form of corporal punishment is unlawful.
- 4.2 It is 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.
- 4.3 Section 550A of the Education Act 1996 (inserted by Section 4 of the Education Act 1997), which came into force on 1 September 1998, restates the principles derived from common law and statute.
- 4.4 Section 550A refers to the use of force by teachers and non-teaching staff (as authorised by the Headteacher) to physically restrain the child or young person in order to prevent him/her:
- committing an offence;
 - causing personal injury to or damage to property.
 - engaging in behaviour prejudicial to good order and discipline at the school or amongst its pupils.

5. Aim of this Policy

It is the aim of this policy to:

- 5.1 clarify the situation regarding the use of physical restraint in schools and other educational centres;
- 5.2 provide a basis for individual *school policies* which should:
- be part of the school's Behaviour/Discipline Policy;
 - be a statement on the use of physical restraint (which should be included in the school's policy on behaviour and discipline);
 - set out guidelines about the circumstances, the methods which may be used and the procedures for reporting and recording incidents of physical restraint;
 - be discussed with the governing body and staff;
 - be communicated to parents and referred to in school prospectuses;
 - be made available to parents in line with other school policies.

6. Key Issues

6.1 Circumstances

When it is reasonable to use force or the degree of force that may be reasonably be used, will always depend on all the particular circumstances:

- the use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it;
- the use of any degree of force is unlawful if the particular circumstances do not warrant its use;
- the degree of force will depend on the age, understanding, physical maturity and sex of the child or young person;
- teachers are allowed to defend themselves against an attack provided they do not use a disproportionate degree of force;
- teachers are allowed to intervene if a child or young person is at immediate risk of injury or on the point of inflicting injury on someone else.

6.2 Less urgent risks:

- strategies other than physical intervention should be attempted to deal with a situation;
- strategies and techniques for dealing with difficult children or young persons and situations should be attempted to defuse and calm a situation;
- strategies and techniques for managing a child or young person who is likely to behave in such a way that may require physical restraint should be planned in advance (involving parents, all staff, details of action to be taken, etc); if there is a need to plan for incidences which may require physical intervention, then training is available from the Behaviour Support Service.

6.3 Circumstances which determine when physical restraint may be necessary:

- The use of physical restraint must be the final option;
- Physical intervention or restraint may be appropriate to prevent a child or young person:
 - a) fighting;
 - b) engaging in or on the verge of committing deliberate damage to property;
 - c) causing, or at risk of causing, injury or damage by accident, by rough play or misuse of dangerous materials or objects;
 - d) absconding from a class or school, but only if the child or young person could be at risk if not kept in the classroom or school.
 - e) engaging in behaviour which is prejudicial to the maintenance of good order and discipline within a lesson, where the presenting behaviour is seriously disrupting the lesson.

6.4 Before using physical intervention or restraint:

- Before intervention, where possible staff should tell the pupil to stop and warn them of the consequences
- Where there is an immediate risk of injury or damage to property, a member of staff may have to intervene physically immediately; however, wherever possible, staff should consider whether an alternative strategy could be used;

- All staff need to be aware of health and safety issues when dealing with children or young persons with volatile behaviour;
- Schools should carry out a risk assessment particularly in relation to children or young persons with volatile behaviour, although risk assessments are only exercises in probability and are useful but limited in scope; this issue has been highlighted by the recent health and safety executive's report into the management of challenging behaviour
- Whole school procedures should be in place when dealing with particular children or young persons.
- If staff are aware that physical intervention is required more than once a term, then positive handling agreements should be in place for these pupils; this issue has been highlighted by the recent health and safety executive's report into the management of challenging behaviour

6.5 Application of physical intervention or restraint:

Although it is not possible to describe fully the range of interventions or restraints which may be used, these may include:

- physically interposing between pupils;
- blocking a pupil's path;
- holding a pupil;
- (in extreme cases) pushing or pulling a pupil e.g. where an object is going to fall upon a pupil and could cause serious injury
- leading a pupil by the hand or arm from an incident;
- shepherding a pupil away from an incident by placing a hand in the centre of the back;
- (in extreme cases) using restrictive holds, consistent with the concept of reasonable force.
- In the case where ground responses are required, it is advisable that the school has ensured that staff using these techniques have undertaken appropriate training delivered by advanced instructors within the Team-Teach framework.

If in doubt about the use of an intervention or restraint, it may be helpful to discuss it with an officer of the LEA.

Staff should not feel obliged to intervene where their own personal safety is at risk.

Staff will not:

- **hold a child or young person around the neck or by the collar or in any other way that might restrict the ability to breathe;**
- **slap, punch, kick or strike a child or young person with an object;**
- **twist or force limbs against a joint;**
- **trip up a child or young person;**
- **hold or pull a child or young person by the hair;**
- **hold or touch a child or young person in a way that might be considered indecent.**

6.6 During the intervention/restraint:

- a calm and measured approach should be adopted;
- staff should not give the impression that they have lost their temper or are punishing the child or young person;
- staff should summon assistance as soon as possible.
- Risk assessments should guide teachers as to intervening without help. The teacher may decide to remove the audience, summon assistance or call the police.

6.7 Following the intervention/restraint it is advised that:

- any incident where a child or young person is putting himself, others or property at risk, requiring physical restraint, should be recorded and/or reported to a senior member of staff;
- parents should be informed of any incident involving their child or young person as soon as possible, no later than the end of the school day, either orally or in writing;
- parents should be given the opportunity to discuss the incident with the headteacher or senior member of staff;
- the member(s) of staff involved should provide a written report as soon as possible, and should be reminded that the teaching unions are available for advice, should it be needed;
- schools should keep a hand-written record of all incidents, to include:
 - the name(s) of the child(ren) or young person(s) involved;
 - the date, time and place of the incident;
 - names of key staff or child or young person who witnessed the incident;
 - the reason that the physical restraint was necessary;
 - how the incident began and progressed;
 - members of staff involved, were they authorised persons?
 - Whether the staff were trained or not? When were they trained? Who trained them? Were the trainers qualified to do so? Was the training in line with the LEA's policy? Did they use approved training techniques?
 - details of the child's or young person's behaviour;
 - what was said by each of the parties;
 - the steps taken to diffuse the situation;
 - the degree of force used;
 - how and for how long the physical restraint was applied;
 - the child's or young person's response;
 - the outcome of the incident;
 - details of any injury or damage to property.
- Subsequently there may be a Section 47 Children Act 1989 enquiry involving the Police and Social Services. The hand-written records will be required by the Police if an investigation is undertaken.

N.B. Schools may like to use the incident recording form as at Appendix I, or alternatively a hardback book which may have more legal standing.

6.8 Safety of Staff DFEE 1.15

- When staff are dealing with potentially dangerous situations involving especially difficult children or young persons, they should be mindful of their own safety and that of all the children or young persons for whom they are responsible;
- the member of staff may wish to seek advice from a colleague or professional association representative;
- schools may contact the LEA to discuss the incident;
- injuries suffered by an employee, as a result of a deliberate assault arising out of or in connection with their work, should be reported under the 'Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)';
- Training in behaviour management, made available by the school's service training program using the Assertive Discipline Framework and advanced planning can help staff facing these situations.

6.9 De-briefing

a) Staff

- The member(s) of staff involved in the restraint should be encouraged to consider the situation with the headteacher or senior member of staff as soon as possible following the incident.
- The opportunity should be taken to evaluate the situation and could serve to de-brief the member of staff and to inform future situations.
- Some settings may look to an external facilitator for de-briefing, counselling or support.

b) Child or Young Person

The child or young person may themselves feel upset. Following the incident and, as part of working through the problem, the child or young person should be advised as to why it was necessary to use physical restraint. He/she should be allowed to put his/her side of the situation. The de-briefing process should take place as soon as possible after the incident. It is advisable to have a third person present.

7. Complaints

- A clear policy about physical restraint, communicated to parents annually through the governing body, should help to avoid complaints by parents.
- Where it may be anticipated that 'reasonable force' is likely to be needed more than once in 12 weeks to safely manage a particular child or young person, it is expected that there will be an agreed management plan (see example appendix 1) which the parents (and possibly the child or young person him/herself) have signed up to.
- Where it may be anticipated that 'reasonable force' is likely to be needed to safely manage a particular child or young person, it may be helpful to have an agreed management plan which the parents (and possibly the child or young person him/herself) have signed up to.
- A dispute about the restraint may lead, however, to an investigation either under disciplinary or child protection procedures. The LEA should be contacted for advice as necessary.

8. Monitoring and Evaluation

- This policy will be reviewed annually by the full ACPC inter-agency group.

9. Training

- The School's Service 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.) This was agreed at the Behaviour Task Group July 9th 2003. Should schools wish to adopt training other than Team Teach, then
- The School's Service will only support training courses that are fully accredited by B.I.L.D.
- The School's Service must be informed if schools adopt other training providers. It is then the responsibility of the Head Teacher and Governors to ensure that the training selected meets the School's Service standards.
- The LEA has trained 5 staff as instructors in this approach.
- Training has been undertaken in schools, which specifically cater for pupils with specific needs who may display challenging behaviour.
- A record of all staff trained at these (and future) establishments within the Team-Teach framework is held centrally by the Behaviour Support Manager.
- Subsequent to the above point, 4 special schools have supported the training of their own "in house instructors".
- There are now 10 intermediate and 2 advanced instructors within Cardiff.
- If a qualified team-teach tutor receives a request from a school outside of their own establishment then they should contact the behaviour Support Service Manager for advice and support.
- If Head Teachers wish to discuss training issues for their staff re Physical Intervention, they are advised to contact the Behaviour Support Manager.

References

- *Welsh Office Circular 37/98 The Use of Reasonable Force to Control or Restrain Pupils.*
- *NASUWT (CYMRU) Special Educational Needs Sub-Committee, Newsletter 1998.*
- *NCH Action for Children: Code of Conduct and Practice Guidelines Addressing Acceptable Boundaries and Limits for Children and Young People*
- *NAHT The Use of Reasonable Force to Control or Restrain Children or Young Persons 1999.*
- *NUT Unacceptable Pupil Behaviour 2000*
- *Department of Health, Guidance for Restrictive Physical Interventions-How to provide safe services for people with Learning Disabilities and Autistic Spectrum Disorder July 2002*