

Keeping Safe

YSGOL PENGLAIS SCHOOL

KEEPING LEARNERS AND STAFF SAFE

This policy is written in conjunction with the following guidance

- Safe and Effective intervention – use of reasonable force and searching for weapons- WAG 041/2010- October 2010
- Inclusion and Pupil Support National Assembly for Wales circular No 47/2006
- Exclusions from School and pupil referral units National Assembly for Wales circular No 1/2004
- Special Educational Needs Code of Practice for Wales 2002.

(Extract from Welsh Government guidance)

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 others.

The guidance also states:

*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.*

*(The operative word is **'reasonable'**)*

Introduction

Policy Aims

This policy is designed to help staff working within Penglais to understand how to deal with challenging behaviour and also outlines Penglais's ethos on the Use of Reasonable Force to control or restrain Pupils. This Policy is written following the publication of the guidance ' Safe and effective intervention – use of reasonable force and searching for weapons' No 041/2010 dated October 2010/

The above guidance replaces that currently contained in the Welsh Office Circular 37/98 and provides direction on the powers of school staff to use force set out in Section 93 of the Education and Inspectors Act 2006. These powers commenced in October 2010 and replaced Section 550A of the Education Act 1996, with minor changes.

Positive Behaviour Management

One of the most effective management strategies in schools has been shown to be careful planning to prevent difficulties arising. These preventative strategies create a context where acceptable behaviour is positively encouraged and where misbehaviour is reduced. An ethos is developed which emphasises co-operation, responsibility, concern for others and self-respect.

Pupils clearly know what kind of atmosphere they prefer in the centre and what they expect of a 'good teacher'. Research has shown that over a range of ages children produce a very similar list of characteristics which they look for in adults who work with them.

Children want adults to:

- treat them as a person
- help them learn and feel confident
- make the day a pleasant one
- be just and fair
- have a sense of humour

and not to:

- get upset or angry in the face of misbehaviour

Although they want this for themselves they also want it for other children because it makes the learning situation so much more comfortable.

It is apparent that learners prefer a relaxed yet purposeful atmosphere where the adults are safely in control and where they can get on successfully with their learning and be acknowledged as people who matter.

Research has shown that the way learners feel about themselves and their abilities is very much affected by teachers' evaluation of their worth and that these feelings influence the way they perceive the authority of the school. It seems that where learners feel they are valued they respect adults and accept their authority.

There are a number of steps which Penglais staff take to help reduce the likelihood of situations arising where the power to use force may need to be exercised: These include:

- creating a calm, orderly and supportive centre climate that minimises the risk and threat of violence of any kind;
- developing effective relationships with learners
- Adopting a whole-school approach to developing social and emotional skills.
- 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.
- wherever practicable, warning a pupil that force may have to be used before using it.

Pupils with Special Educational Needs and/or Disabilities

Penglais staff will:

- 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 physical intervention will be compatible with a pupil's Statement and documented in the learners' file;
- Prior to the pupils admission to Penglais, staff who come into contact with learners who are assessed as being at greatest risk of needing physical intervention will be made 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, the specific strategies and techniques that have been agreed by staff, parents and the pupil concerned.
- Information from parents is a valuable resource, some of this information may be sensitive. The school will discuss with parents the need to share this information with key staff prior to admission;
- However, under some circumstances consent is unreasonably withheld the information will still be made available to key staff who need it where this would be in the best interests of the pupil concerned and the safety of staff working in the school.

- The Headteacher will designate staff to be called if incidents related to particular pupils occurs in the school. This does not necessarily mean waiting for them to arrive before taking action if the need for action is urgent.
- The Headteacher, staff, parents and external agencies will work together to support pupils.
- The school may deem it necessary for staff to work in pairs to safeguard pupils and/or staff.
- Physical intervention is as a last resort. Staff at Penglais will teach and support learners who are at risk how to communicate in times of crisis and strategies to use in a crisis.

Summary

The Elton Report on 'Discipline in Schools' gave a clear message to staff as to good group management skills. It said that staff should:

- know their learners as individuals
- plan and organise to keep learners busy and interested
- be flexible
- continually observe and scan behaviour
- control their own behaviour: stance, tone of voice, etc.
- model the standards of courtesy they expect from learners
- emphasise the positive, praise for behaviour and work
- make rules clear
- use reprimands sparingly and consistently
- analyse their own behaviour and learn from it

What the law means in relation to the use of 'reasonable force'

Where positive behaviour management strategies are not working with a pupil and their behaviour is becoming more challenging, then it is important for staff to know:-

- that safety is of paramount importance
- that the safety of both pupils and staff members are of equal importance;
- that as a staff member he or she does have rights- "*all staff members have a legal power to use reasonable force to prevent pupils committing a criminal offence, injuring themselves or others, damaging property; and to maintain good order and discipline amongst pupils*" (Safe and Effective intervention – use of reasonable force and searching for weapons- WAG 041/2010- October 2010 –section 1-1.2)
- that the Headteacher and the Governing Body will support them if they have tried to follow this policy and any training provided;

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. This:

- i. includes support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors;
- ii. 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); and
- iii. 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; and
- 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; and 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).

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 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 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);

Who can use force?

The guidance enables teachers to use reasonable force to control or physically intervene as a last resort. It also allows other people to do so, in the same way as teachers, provided they have been authorised by the Headteacher to have control or charge of the pupils. Those authorised by the Headteacher other than teachers are:

- Teaching Assistants
- NNEBs
- Inclusion Support Workers
- Year Managers
- Administration and support staff
- Site team
- Kitchen staff.

Ensuring the Staff know who has statutory power to use force

The Headteacher will:

- Inform the people concerned of their responsibilities in relation to the school policy on use of force. The Headteacher will make clear that teachers authorised to have control or charge of pupils automatically have the statutory power to use force.
- For staff who have temporary authorisation the Headteacher will 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.

The use of Risk Assessments

The school in conjunction with the Health and Safety Officer at Ceredigion County Council may also make individual risk assessments where it is known that force is more likely to be necessary to restrain a particular pupil, such a pupil whose SEN and/or disability is associated with extreme behaviour.

An individual risk assessment prior to admission to the school 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 makes them fragile, such as haemophilia, brittle bone syndrome or epilepsy; or
- dependence on equipment such wheelchairs, breathing or feeding tubes.

Staff Training

- Penglais are working with Ceredigion LEA to train all staff who have control or charge of pupils in 'Teach Teach' physical intervention techniques.
- There may be particular training needs for staff working closely with pupils with SEN and/or disabilities. Risk assessments will help inform decisions about staff training

What is reasonable force?

There is no legal definition of reasonable force so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may be reasonably used. It will always depend on the circumstances of the case.

Safe and Effective intervention – use of reasonable force and searching for weapons- WAG 041/2010- October 2010 refers to the following in Section 1: 1.7

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 techniques are usually used in more extreme circumstances, such as when two pupils are involved in a fight and physical intervention is needed to separate them.

There are 2 relevant considerations when staff are faced with serious challenging behaviour from a pupil:

- I. The use of force can be regarded as reasonable 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 the use of physical force, e.g. physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.

- II. The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result. However, the more serious the behaviour e.g. assault; the greater the use of force may be justifiable.

The degree of force that could reasonably be employed might also depend on the age, understanding, and sex of the pupil.

Before intervening physically a staff member should, wherever practicable, tell the pupil who is misbehaving to stop, and what will happen if she or he does not. The staff member should continue attempting to communicate with the pupil throughout the incident, and should make it clear that holding or restraint will stop as soon as it ceases to be necessary.

A calm and measured approach to a situation is preferable and staff members should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

Self Defence

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.

It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, abolished by Section 548 of the Education Act 1996.

Staff working at Penglais are advised to avoid the following as they may be judged as unreasonable:

- a) holding a pupil round the neck or by the collar or in any other way which might restrict the pupil's ability to breathe
- b) slapping, punching or kicking a pupil
- c) twisting or forcing limbs against the joint
- d) holding a pupil by the hair or ear
- e) touching or holding a pupil in a way that may be considered indecent
- f) holding a pupil face down on the ground

If a pupil is threatening to use a weapon, the best advice is to:-

- a) create space between pupil and self
- b) ask/instruct the pupil to put the weapon down
- c) create a barrier between the pupil and self/or get away and call for help

All the advice above means that in order to keep a pupil or themselves safe, staff have to make a judgement whether to:-

- a) continue to try to calm, defuse, divert or de-escalate the behaviour they are facing.
- b) leave the situation, perhaps taking other learners too.
- c) with the help of a colleague, hold or restrain the pupil or
- d) defend themselves and leave the situation

Planning for Challenging Behaviour

Obviously some situations may need immediate action but if the school is aware that a pupil is likely to behave in a way that may require holding or restraint, it will be sensible to plan how to respond if the situation arises. Such planning needs to address:

- A Risk Assessment of the pupil's behaviour.
- positive Behaviour Management Strategies for the pupil.
- Preventative Strategies and Skills to calm, defuse, divert or de-escalate the behaviour. This may include a Positive handling Plan (PHP).
- briefing staff to ensure they know what holding or restraint skills may be needed.
- ensuring that additional support can be summoned quickly if appropriate, especially if the pupil may need to be held or restrained.
- involving the parents to ensure that they are clear about what specific action the school might need to take.

Physical Contact with Learners in other Circumstances

There are occasions when physical contact with a pupil may be proper or necessary other than those covered in this policy. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching or design technology, or if a member of staff has to give first aid. Young children and children with special educational needs may need staff to provide physical prompts or help. Touching may be appropriate where a pupil is in distress and needs comforting. Members of staff must use their own professional judgement when they feel a pupil needs this kind of support.

Physical contact with learners becomes increasingly open to question as pupils reach and go through adolescence, and staff should bear in mind that even innocent and well intentioned physical contact can sometimes be misconstrued. It is advisable and much safer for all concerned that physical contact as comfort is made in the vicinity of others.

Code of Conduct for Staff

In order to meet the requirements of safeguarding, members of staff should not:-

- give out details of personal accounts on social networking sites such as Facebook, Bebo and My Space.
- engage in any financial transactions with pupils
- give personal telephone numbers to learners.
- have meetings with learners in secluded areas. Ensure visual access and/or open door in 1 to 1 situations and avoid 'engaged' signs.
- There are further guidelines regarding staff Code of Conduct in the Staff Manual.

Recording Incidents

The school will keep a record 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.

A written record should be logged of any significant incidents which may include:

- An incident where a learner or member of staff was hurt;
- When restrictive holds were used;
- To identify and analyse patterns of pupil behaviour and/ or staff training;
- When other agencies are involved:

It is important that there is a prompt and detailed written report of any occasion where force is used. It may help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint. All reports should be returned to the Headteacher and HEL.

Incidents involving the use of force can cause the parents of the pupil involved great concern. The Headteacher/HEL will need to consider whether parents should be informed straight away or at the end of the day, and whether parents should be told orally or in writing.

Support following an incident:

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 will be taken to provide first aid for any injuries and to access medical help for any injuries that go beyond first aid.
- Staff and pupils are also offered emotional support.

The Headteacher/HEL will:

- decide whether multi-agency partners need to be involved and, if so, which partners. This may include a referral to CAMHS primary Mental Health Worker the Youth Offending Service preventative service, access to the counselling service;
- work with the learner, staff and any external agencies to develop strategies to avoid such crisis points in future and inform relevant staff about these strategies and their roles;
- ensure that staff and pupils affected by an incident have continuing support for as long as necessary in respect of:
 - i. physical consequences;
 - ii. support to deal with any emotional stress or loss of confidence;
 - and
 - iii. opportunity to analyse, reflect and learn from the incident

Complaints

Parents and pupils would have a right to complain about actions taken by School staff. This might include the use of force. Involving parents when an incident occurs with their child, plus a clear policy about physical contact with pupils that staff adheres to should help to avoid complaints from parents. It will not prevent all complaints: In such circumstances

- it would be for the Headteacher to respond to the complaint in the light of school's policy and procedure, unless the complaint was against the Headteacher himself/herself.
- Parents may choose to appeal against the Headteacher's response and the matter would be referred to the Chair of Governors.
- The full involvement of those with parental responsibility following the incident should minimise the chances of a complaint about use of force but it will not prevent all complaints or allegations. Allegations can be made from a variety of sources, not just from the parents or children involved.
- A dispute might lead to an allegation against a member of staff, made to the school, other agencies such as Social Services or the police. These will be dealt with in accordance with agreed policy and procedure for handling allegations against staff. (Follow CP Policy and All Wales Child Protection Policy prior to conducting an internal investigation)

Definition of 'violence and aggression'

This definition is based on advice from the UK Health and Safety Executive.

Violence and aggression is defined as:-

'any incident in which an employee is abused, threatened or assaulted by another person in circumstances arising out of the course of his or her employment'

Examples of behaviour that would be classed as 'violence' or 'aggression'

- Kicking
- Biting
- Punching
- Poking
- Spitting
- Scratching
- Butting
- Tripping
- Actions that restrict movement
- Unwanted physical contact which results in no injury
- Use of weapons
- Use of missiles
- Swearing
- Other verbal or written abuse which causes personal offence or distress
- Sexual, racial or other harassment
- Bullying
- Intimidation
- Damage to personal property

Other aggressive behaviour

- Shouting
- Posturing
- Gestures
- Insults
- Innuendo
- Unreasonable demands
- Blackmail

Action Guidelines

Staff are to follow the procedures as outlined below in the event of an emergency within a classroom or around the School site..

Do

Do observe the incident

Do ensure that there is adult support available if needed

Do ask young people to get adult help
Do remove crowds where appropriate

Do raise awareness of staff located close, shout if necessary

Do alert the Headteacher

Do not

Do not intervene if not confident about doing so

Do not use restraint techniques without having been properly trained

Do not place yourself in a position where you cannot remove yourself from the area

Remember you are not obligated to intervene in any situation which may bring harm to yourself

Keep self safe

REPORT ON THE USE OF FORCE TO CONTROL OR RESTRAIN

Report compiled by:		Name of pupil:	
Date of incident		Year	
Where incident occurred:		Time of incident:	
Location of Incident			
Witness – staff		Witness – learners	
Why was the use of force necessary?	a) to prevent injury to myself or other staff; b) to prevent injury to pupil or other learners; c) to prevent damage to property; d) other -		
<u>Give a detailed account of how the incident began and progressed, including what was said by each party, what steps were taken to defuse or calm the situation, how the pupil was held or restrained and for how long</u>			
<u>What was the outcome of the incident including the need for any medical treatment?</u>			
Signed:		Date:	
Signed: Headteacher:			
Date:			

To be completed by the Headteacher

Follow-up action:

Follow up Action

Have parents been notified about this incident?

YES / NO

If so, by what means and when

Any Further action required:

Report compiled by:

Name and Role

Signature

Date

Positive Handling Plan (PHP)

YSGOL PENGLAIS SCHOOL

Young Learners Name:	
Year Group	
Date of Plan:	

Trigger Behaviours: Describe common behaviours/ situations which are known to have led to positive handling being required. What tends to trigger such behaviour?

Preferred Supportive and Intervention Strategies: Describe strategies that, where and when possible, should be attempted before positive handling techniques are used.

Verbal support	<input type="checkbox"/>	Distraction	<input type="checkbox"/>
Reassurance	<input type="checkbox"/>	Take up time	<input type="checkbox"/>
Talking and Stance	<input type="checkbox"/>	Time out	<input type="checkbox"/>
Negotiation	<input type="checkbox"/>	Transfer adult	<input type="checkbox"/>
Choices / Limits	<input type="checkbox"/>	Tactical ignoring	<input type="checkbox"/>
Humour	<input type="checkbox"/>	Consequences	<input type="checkbox"/>

Other:

Praise Points / Strengths (Areas that can be developed and built upon - Bridge Builders)

1.	
2.	
3.	

Behaviours that are likely to be demonstrated during a restraint:

Biting	<input type="checkbox"/>	Screaming	<input type="checkbox"/>
Punching	<input type="checkbox"/>	Attempts to use weapons	<input type="checkbox"/>
Kicking	<input type="checkbox"/>	Head Butts	<input type="checkbox"/>
Other:			

Medical Conditions : eg asthma , brittle bones

What “get outs” can be used to end a restraint?

Recording and notifications required – Who needs to be informed?

Managing behaviours: Work to be undertaken e.g. anger management, counselling, abuse, post traumatic stress

Young Learner’s view of the plan:

Head teacher
Signed
Date

Parent/ Guardian
Signed
Date

