

# Polisi Cadw'n Ddiogel

Defnydd diogel o ymyrraeth gorfforol



## Keeping Safe Policy

Safe use of physical intervention

# Ysgol Bro Pedr Keeping Safe Policy

## 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

### **Our Aims**

This policy is designed to help staff working within Ysgol Bro Pedr to understand how to deal with challenging behaviour and also outlines the school'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 an ethos where acceptable behaviour is positively encouraged and where misbehaviour is reduced. This encourages co-operation, responsibility, concern for others and self-respect.

Pupils clearly know what kind of atmosphere they prefer in the classroom / school setting 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 Ysgol Bro Pedr staff take to help reduce the likelihood of situations arising where the use of force may be necessary: These include:

- creating a calm, orderly and supportive 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**

Ysgol Bro Pedr 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. A county-led risk assessment will also be conducted. 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 learner's admission to the school, 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 information pertaining to 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;
- iii. if physical intervention is likely to be needed, the specific strategies and techniques that have been agreed by the SLT, parents and the pupil concerned.

Information from parents is as valuable as information held by the school. Some of this information may be sensitive. The school will discuss with parents the need to share this information with key staff within the school prior to admission. However, under some circumstances where 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 at the school.

The SLT and Pastoral Team will designate staff to be called if incidents requiring physical intervention arise in school. This does not necessarily mean waiting for them to arrive before taking action if the need for action is urgent. Physical intervention is a last resort. Staff at the school will teach and support learners who are at risk ways to communicate effectively, as well as strategies to use in times of 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 all members of staff have a duty of care - "*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)

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

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;
- 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 centre premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit);

### **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. Using 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 gender 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 that they intend 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 this school are advised to avoid the following as they may be judged as unreasonable:**

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

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

- create space between pupil and self
- ask/instruct the pupil to put the weapon down
- 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:-**

- continue to try to calm, defuse, divert or de-escalate the behaviour they are facing
- leave the situation, perhaps taking other learners too
- with the help of a colleague, hold or restrain the pupil **OR**
- 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;

### **Who can use force?**

The guidance enables teachers at Ysgol Bro Pedr 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 SLT to have control or charge of the pupils.

The LA operates a rolling programme of Team Teach training for all staff.

The following staff at Ysgol Bro Pedr have been trained in the Team Teach programme of positive behaviour management.

- Dafydd Charles
- Bethan Payne
- Deiniol Williams
- Nerys Stephens
- Tim Jenkins
- Heulyn Roderick
- Wyn John
- Susie Davies
- Anita Jacob

A number of support staff in the SEN Dept have also been trained in Team Teach techniques however, where possible, a member of the SLT and/or teaching staff should deal with challenging behaviour (although support staff can assist).

### **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 as a pupil whose SEN and/or disability is associated with extreme behaviour. Risk assessment may also inform decisions regarding staff training for individual pupils.

### **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.

### **Recording Incidents**

The school will keep a record of every significant incident in which force has been used, in accordance with centre 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 centre improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry. Hafan staff will also notify parents/guardians by phone of the need to restrain a pupil.

A written record should be logged of any significant incidents in order to:

- record an incident where a learner or member of staff was hurt;
- record incidents where restrictive holds were used;
- identify and analyse patterns of pupil behaviour and/ or staff training requirements;

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 SLT.

Incidents involving the use of force can cause parents/guardians great concern. Parents / guardians will be informed by telephone as soon as this is possible following the incident.

### **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 SLT will:

- decide whether external agencies need to be involved. This may include the LA Inclusion service, 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. Should a complaint be received by the school:

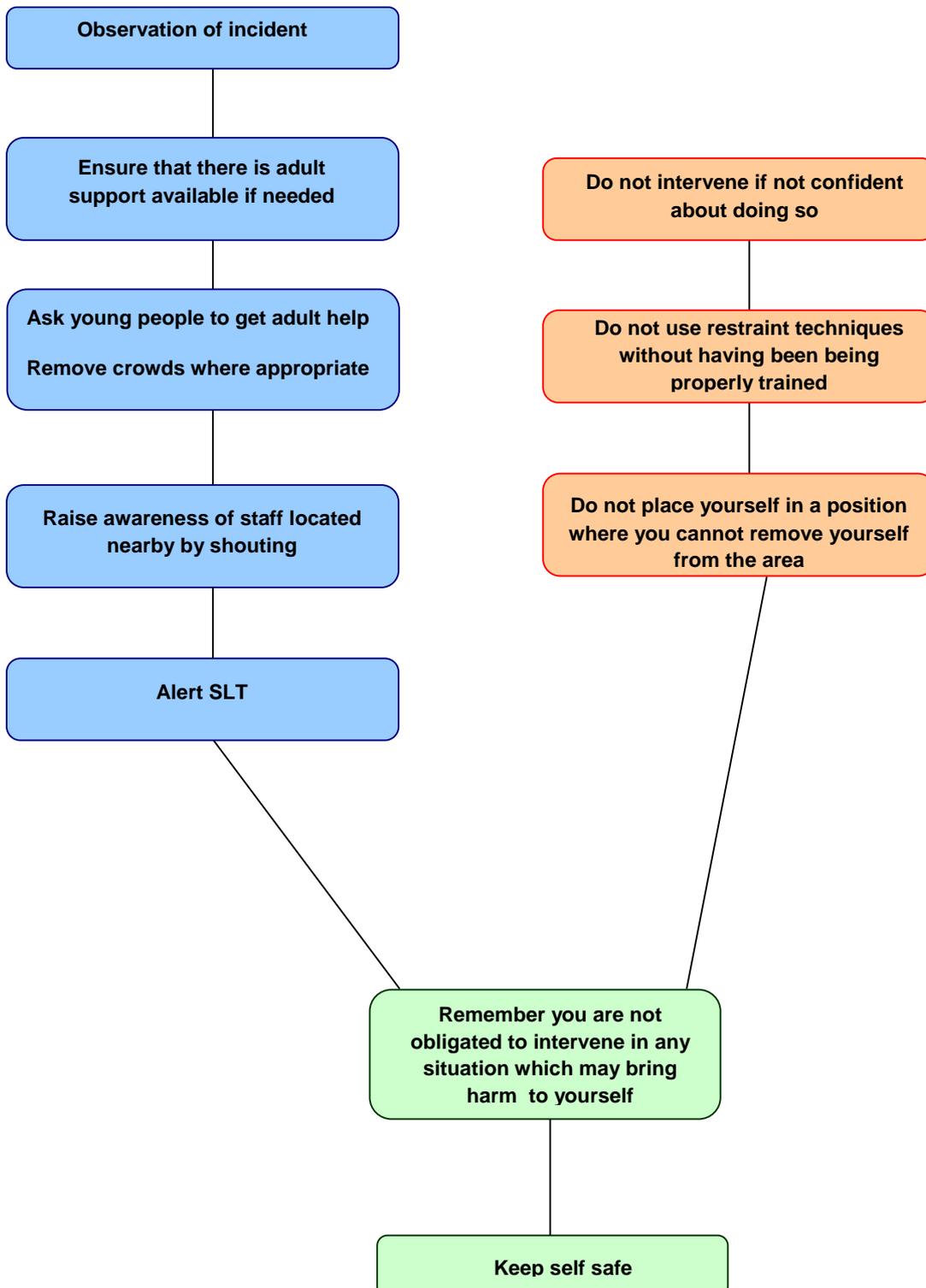
- it would be for the Headteacher to respond to the complaint in light of school's policy and procedures, unless the complaint was against the Headteacher himself;
- Parents may choose to appeal against the Headteacher's response and the matter would be referred to the Chair of Governors;
- A dispute 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. (The school's CP Policy and All Wales Child Protection Policy should be consulted prior to conducting an internal investigation).

# Ysgol Bro Pedr

## Keeping Learners and Staff Safe

### Action Guidelines

Staff are to follow the procedures as outlined below in the event of an emergency within their classroom or around the school campus.



# Positive Handling Plan (PHP)



<b>Young Learners Name:</b>	
<b>Year Group</b>	
<b>Date of Plan:</b>	

**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

**Approved and adopted: October 2015**  
**Review date: October 2016**

**SIGNATURES**

**Headteacher** .....

**Governor with Responsibility** .....