



Reasonable Force Policy

Dyddiad Cymeradwyo a Dyddiad Adolygu
Date Approved and Review Date

*Gweler Cynllun Adolygu Polisiau
See Policy Review Timetable*



POLICY FOR THE USE OF REASONABLE FORCE, INTERVENTION AND PHYSICAL RESTRAINT AND SEARCH FOR ARMS

AIM

Response to the requirements of Guidance 041/2010, Welsh Government, which replaces the current guidance in Welsh Office Circular 37/98. The guidance provides advice on Power for school staff to use physical intervention as set out in Section 93 of the Education and Inspections Act 2006.

These powers came into force in October 2010 and replace Section 550A of the Education Act 1996, with minor changes. Ensure that the school, teachers and other authorized people identify and make appropriate use of 'Reasonable Power' when using safety strategies for children and Properties..

STATEMENT

Ysgol Dyffryn Conwy's Governing Body is committed to acting under the latest Legislation and Guidance on the use of Reasonable Physical Intervention.

WHAT DOES THE ACT SAY?

Section 93 of the Education and Inspections Act 2006 has replaced Section 550A of the Education Act 1996 and enables school staff to use physical intervention that is reasonable in the circumstances to prevent a pupil from doing or continuing to do any of following:

- committing any offence (or, to a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- cause personal injury to any person (including the pupil himself), or damage to their property; or
- endanger good order and discipline in the school or amongst any pupils who are educated at the school, either during a teaching session or otherwise.

A definition of the staff to whom this power applies is in section 95 of the Act. These are: any teacher working at the school, and any other person who has been authorized by the head teacher to manage or be responsible for pupils:

- i. this includes support staff with normal duties of supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors;
- ii. it can also include people whose headteacher has temporarily authorized them to manage or be responsible for pupils such as members of paid staff whose job does not usually involve the supervision of pupils (for example catering staff or staff who are linked to the property) and unpaid volunteers (for example, parents who escort pupils on visits organized by the school); and
- iii. it does not include prefects.

Those who use the power to use physical intervention must also take due account of any special educational needs (SEN) and / or disability that a pupil may have. Under the Equality Act 2010, schools have key duties:

- not to treat a disabled pupil less favourably, because of his or her disability, or a pupil without a disability;
- not to treat a disabled pupil unfavourable, for a reason that is related to his disability, without justification;
- not to implement a provision, criteria, or practice that gives, or would give, a disabled pupil a disadvantage; and
- to take reasonable steps to prevent a disabled pupil being put under substantial disadvantage in comparison with a pupil without a disability (known as a reasonable adjustment duty).

Objectives:

- to ensure the safety of pupils and staff;
- to prevent serious breaches of school discipline;
- to prevent serious damage to property; and the
- need to safeguard the rights of children and young people.

All staff in Ysgol Dyffryn Conwy have a legal power to use reasonable physical intervention to prevent pupils from committing an offense, injuring themselves or others, or damaging property; and maintain good order and discipline among the pupils.

The focus should be on preventing, as far as possible, the need to use physical intervention on pupils, creating a calm, disciplined and supportive atmosphere that reduces the risk and threat of any kind of violence. Physical intervention should only be used as the last resort.

Reduce the need to use physical / force intervention:

The focus should be on preventing, as far as possible, the need to use physical intervention on pupils. This is done by:

- creating a calm environment that minimizes the risk of incidents where power may need to be used;
- use social and emotional well-being approaches to teach pupils how to manage strong conflicts and feelings;
- preventing exacerbation of incidents if they occur;
- only use force when the risks of doing so outweighs the risks of not using force; and
- risk assessments and plans to deal positively with individual pupils.

Physical intervention should only be used as the last resort.

No member of staff is allowed to use a physical penalty on a pupil of any age. It is always illegal to use physical interference as a penalty.

Staff authorized to use physical intervention:

- All permanent staff at Ysgol Dyffryn Conwy have a legal power to use reasonable physical intervention to prevent pupils from committing an offense, injuring themselves or others, or damaging property; and maintain good order and discipline among the pupils.
- If temporary staff or volunteers are responsible for supervising or working with pupils, they are delegated with the statutory power to use physical intervention. Other staff will be informed of this by the headteacher.

Decide when to use force:

Staff should only use physical intervention when:

- the potential consequences of non-intervention would be serious enough to justify considering the use of physical intervention;
- the likelihood of achieving the desired result by other means would be low; and
- The risk associated with not using force would outweigh the risk of using physical intervention.

Using physical intervention:

- There is no legal definition of when it is reasonable to use physical intervention. That will always depend on the specific circumstances of individual cases. Considered legally, the physical intervention would have to be proportionate to the consequences it tries to avoid. The degree of physical intervention should be the lowest level needed to achieve the desired result.
- The pupil should be given a clear verbal warning that physical intervention could be used.
- Physical intervention generally is used for two different purposes - to control and prevent pupils.
- Control can involve passive physical contact (eg standing between pupils or preventing a pupil's path) or active physical contact (e.g. holding a hand or a pupil's arm to guide or guide a pupil away by placing a hand on the back).
- When members of staff use "restraint" they physically prevent a pupil from continuing to do what he did after you told him not to. Restraint techniques are usually used in more extreme circumstances, when two pupils fight, for example, and a physical intervention is needed for separation.

Examples of situations where reasonable physical intervention could be used:

- preventing a pupil from attacking a member of staff, or another pupil, or to prevent two or more pupils from fighting;
 - preventing a pupil from causing serious, deliberate damage to property;
 - preventing a pupil from accidentally causing injury or damage; by playing wildly, or by misusing dangerous materials or objects;
 - when a pupil leaves a class or attempts to leave school at an unauthorized time. The fact that a pupil refuses to stay in a particular place is not a sufficient reason, from himself, to justify the use of physical intervention. It would be possible to justify this if allowing a pupil to leave would cause serious risks to the safety of the individual, the safety of pupils or other staff, or damage to property; misleading behaviour that compromises good order and discipline;
 - ensure that a pupil leaves a classroom when the pupil constantly refuses to follow instructions to do so;
 - preventing a pupil from acting in a way that severely impairs a lesson;
 - preventing a pupil from acting in a way that severely impairs a school event or a school visit.
- The power to use physical intervention can be used when the pupil (including a pupil from another school) is on the school grounds or other placement under the control or legal care of the

member of staff (for example on a school visit) -the pupil should be given a clear verbal warning that power could be used;

- Staff should make every effort to avoid behaving in a way that could reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a pupil.
- Staff should always avoid touching or preventing a pupil in a way that could be interpreted as inappropriate sexual behaviour.

PUPILS WITH ADDITIONAL LEARNING NEEDS AND / OR DISABILITIES:

- Individual behaviour management plans are available for individual pupils who have been assessed as having a higher risk for physical interventions.
- The behaviour management plans present the techniques that should be used and those that should not normally be used. Any possible use of intended physical intervention should comply with a pupil statement and be recorded appropriately in the school records.
- To the extent that it is practicable to do so, staff who have contact with such pupils will be notified of the relevant characteristics of those individuals, in particular:
 - i. situations that could trigger difficult behaviour, preventive strategies and which deterioration prevention techniques are most likely to work;
 - ii. What is most likely to stimulate a violent response, including relevant information about any previous incidents where physical intervention had to be used;
 - iii. if there is a need for physical intervention, any specific strategies and techniques agreed upon with the staff, the parents and the pupil concerned.

Staff training:

The headteacher and governing body will arrange specific training for all staff.

Recording and reporting of incidents:

If physical intervention is used then the appropriate form must be completed (APPENDIX 1).

Support following events:

The Governing Body will ensure that the school offers immediate assistance and support to the staff involved. The Governing Body will ensure that the school offers support to the pupil, and support for the pupil to include his / her opinion of the circumstances leading to the incident as well as the incident itself

Complaints and allegations:

Following receipt of a written complaint the Headteacher or Chair of Governors will follow the appropriate action in the school's complaints procedure and, if applicable, child protection guidelines.

Monitoring and review:

The school monitors the impact of the policy on the use of force and for the review and development of the policy by evaluating any events and as part of a review cycle and updating whole school policies and procedures through SMT meetings and governing meetings.

Following national statutory guidance for schools the policy was recommended and confirmed by:

Governing Body of the School

UDA



Appendix 1A: Incident report form

Details of pupil or pupils that were enforced by a member of staff:

NAME:

CLASS:

Date, time and place of incident:

Date:

Time:

Place:

Names of associated staff (directly or as witness):

Details of any pupils involved (directly or as witnesses), including whether any associated pupils were vulnerable due to SEN, disability, medical or social reasons:

Description of the incident by the staff concerned, including any attempt to calm the situation and warnings given that power could be used:

The reason for using force and description of the force used:

Any injury suffered by staff or pupils and any first aid and / or medical attention:

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The reasons for recording the incident:

Follow-up steps including support following the incident and any disciplinary action taken against pupils:

Any information regarding the incident that was shared with staff who were not connected with the incident and external agencies:

When and how were those with parental responsibilities informed about the incident and any views they have expressed.

Have any complaints been submitted (these details should **not** be recorded here)?

The report was compiled by: Name and role: Signature: Date	The report was signed up by:
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Appendix 1B: : Performa for assessing and managing predictable risks for children who present challenging behaviour - developing a Behaviour Management Plan

Name of child. **Class group** **Name of teacher.**

Ysgol Dyffryn Conwy – Risk identification	
Discibing the anticipated risk	
Is it a potential or real risk?	
List all those who are affected by the risk	
Risk assesment	
In what situations does the risk usually occur?	
How likely is the risk to happen?	
If the risk arises, who is likely to be injured or hurt?	
What types of injuries or harm are likely to occur?	
How serious are the harmful consequences?	

Options to reduce risk			
Measures	Possible Options	Advantages	Disadvantages
Proactive interventions to prevent risk			
Early risk management interventions			
Reactive interventions to respond to harmful consequences			

Assessment completed by:

Print the NamePosition

Signature. Date

Print the Name Relation to child.....

Signature. Date

Communication of the Behavior Management Plan and the School Risk Management Strategy		
The plans and strategies have been shared with	Communications method	Implementation date

Staff Training Matters		
Identified Training Needs	The training provided to meet the needs	Date of training completion

**APPENDIX C:
Evaluation of the School's Risk Management Behaviour and Risk Management Strategy**

The Measures identified	Their effectiveness in supporting the child	The effect on risk
Proactive interventions to prevent risk		
Early interventions to manage risk		
Reactive interventions to respond to harmful consequences		

OPERATIONAL PROCEDURE FOR THE FUTURE

These plans and strategies were evaluated by:

Print the Name Position

Signature. Date

Print the Name Relation to the child

Signature. Date