



## Policy on Physical Intervention and Use of Reasonable Force

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Signatures:

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**POWYS SCHOOLS**

**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 Welsh Government circular No 081/2012
- Special Educational Needs Code of Practice for Wales 2002

## INTRODUCTION

### 1. Policy Aims

This policy is designed to help staff working within Powys Schools to understand how to deal with challenging behaviour and also outlines the Authority's ethos on the use of Reasonable Force to control or restrain Learners. 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 Inspections 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.

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

#### Learners 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 learners 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 school 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 climate in the school and teaching situations 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 learner, using non-threatening verbal and body language and ensuring the learner can see a way out of a situation;
- wherever practicable, warning a learner that force may have to be used before using it;
- developing positive relationships with parents and carers.

### **Pupils with Additional Learning Needs and/or Disabilities**

Schools will:

- develop behaviour management plans for individual learners assessed as being at greatest risk of needing restrictive physical interventions in consultation with the learner 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 documented in the learner's file and, if stated, compatible with the learner's Statement;
- ensure that staff who come into contact with learners who are assessed as being at greatest risk of needing physical intervention are 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 the school staff, parents and the pupil concerned;

- recognise that 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. Where a learner who is at risk of needing physical intervention is to be admitted to the school, information will be shared with key staff prior to admission;
- ensure that, under 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 learner concerned and the safety of school staff;
- designate staff to be called if incidents related to particular learners occur. This does not necessarily mean waiting for them to arrive before taking action if the need for action is urgent.
- ensure that school staff, parents, and external agencies will work together to support learners who are at risk of needing physical intervention. After seeking advice, the school will make a decision as to whether it is necessary for staff to work in pairs to safeguard learners and/or staff.
- ensure that physical intervention is a last resort. School staff, with external support, as appropriate, will teach and support learners, who are at risk of needing physical intervention, in relation to how to communicate in times of crisis and appropriate strategies to use in a crisis.

## 2.1 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 and give praise for behaviour and work
- make rules clear
- use reprimands sparingly and consistently
- analyse their own behaviour and learn from it

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

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

- safety is of paramount importance;
- the safety of both learners and staff members are of equal importance;
- 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);
- the school's senior staff and governing body will support them if they have followed this policy and the training provided.

### What the law means in relation to the use of “reasonable force”

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 learner 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 learner himself); or
- prejudicing the maintenance of good order and discipline at the school or among any learners 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, including a supply teacher, and another person whom the head has authorised to have control or charge of learners. This includes support staff whose job normally includes supervising learners such as teaching assistants, learning support assistants, learning mentors, cover supervisors, lunchtime supervisors and clerical staff if it is part of their role to supervise children;
- can also include people to whom the head has given temporary authorisation to have control or charge of learners such as paid members of staff whose job does not normally involve supervising learners (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying learners 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 learner might have. Under the Equality Act 2010 schools have key duties:

- not to treat a disabled learner less favourably, because of his/her disability, than a non-disabled learner;
- not to treat a disabled learner 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 learner at a particular disadvantage compared with a non-disabled pupil, without justification; and
- to take reasonable steps to avoid putting a disabled learner at a substantial disadvantage in comparison with a non-disabled learner (known as the reasonable adjustments duty).

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

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

Reasonable force may be used where the learner (including a learner 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 at the school, including supply 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 Head teacher to have control or charge of the learners. Those authorised by the Head teacher other than teachers are:

- Nominated Learning Support Assistants,
- Nominated Reintegration Support Assistants,
- Social and Emotional Behavioural Support Assistants,

- Approved Education Inclusion Officer,
- Nominated Cover Supervisors

The Head teacher will identify people, other than teachers, whom he/she wishes to authorise to have charge of learners and therefore to be able to use force if necessary. Authorisation may be on a permanent or long term basis because of the nature of the person's job, or short term for a specific event such as an organised visit.

### **Ensuring the Staff know who has statutory power to use force**

The Head teacher will:

- as part of an induction process and annually during an INSET at the beginning of the Academic Year explicitly inform the people concerned of their responsibilities in relation to the school policy on use of force. The Head teacher will make clear that all teachers and staff, that he /she has authorised to have control or charge of learners, automatically have the statutory power to use force;
- for staff who have temporary authorisation, make clear the circumstances in which staff whose jobs do not normally involve supervising learners and volunteers working with learners will be authorised to be in control or charge of learners 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 learners) know who they are.

### **The use of Risk Assessments**

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

An individual risk assessment prior to admission to school is also essential for learners whose SEN and/or disabilities are associated with:

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



## Staff Training

Individuals have statutory power to use force by the virtue of their job. The Authority is aware that two different physical intervention schemes are currently in use within its schools, PRICE (Protecting Rights in a Caring Environment) and Team Teach. Discussions have taken place as to which scheme it will support as it is recognised that the continued support for two schemes does not represent efficient use of resources. In its consideration of which scheme the Authority will support, the Schools Service is aware that Team Teach is the main physical intervention scheme in use across ERW (formerly SWAMWAC). In particular, it is the scheme in use in Ceredigion, Carmarthenshire and Pembrokeshire.

Following the above consideration of the two schemes and the fact that closer working, potentially leading to a single Schools Service, is taking place between Powys and Ceredigion, the Schools Service has concluded that the scheme that the Authority will support with effect from 1 April, 2014, will be Team Teach. The Authority will centrally fund the training of a team of trainers to ensure that a team of trainers is available within its area to respond to requests for training from schools. If a school opts to use an alternative scheme, it must be British Institute of Learning Disabilities (BILD) accredited and the costs for that training must be fully borne by the schools involved. The Authority expects that all its schools will use Team Teach as the programme for training staff in physical intervention with effect from 1 April, 2014. In addition, the Authority expects that all staff, trained in physical intervention, will have their training refreshed every two years and a central record of such training will be maintained on the Authority's Trent System as well as at school. The Authority must, therefore, receive notification of all training in physical intervention, received by staff. With effect from 1 April, 2014, the only scheme of physical intervention made available through outreach will be Team Teach.

It is recognised that there may be particular training needs for staff working closely with learners with SEN and/or disabilities. Risk assessments will help inform decisions about staff training. They will also inform the circumstances in which the Head teacher would temporarily authorise staff or volunteers to have control or charge of learners.

## 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 learners or blocking a learner's path) or active physical contact (e.g. leading a learner by the hand or arm, or ushering a learner away by placing a hand in the centre of the back).
- When members of staff use "restraint" they physically prevent a learner 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 learners 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 learner:

- 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 learner 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 learner.

Before intervening physically a staff member should, wherever practicable, tell the learner 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 learner 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 learner.

## 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 learners.

**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 in Powys Schools are advised to avoid the following as they may be judged as unreasonable:**

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

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

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

**All the advice above means that in order to keep a learner 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 learner or
- d) defend themselves and leave the situation

The physical skills needed to try and safely hold, restrain or defend will be described in the Appendix. All staff, involved in the supervision of learners, working in Powys schools will be trained in the Team Teach programme of positive Behaviour management.

## **Planning for Challenging Behaviour**

Obviously some situations may need immediate action but if the school is aware that a learner 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 include:

- a Risk Assessment of the learner's behaviour;
- positive Behaviour Management Strategies for the learner;
- 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 learner 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 learner 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 learners and learners with special educational needs may need staff to provide physical prompts or help. Touching may be appropriate where a learner is in distress and needs comforting. Members of staff must use their own professional judgement when they feel a learner needs this kind of support.

Physical contact with learners becomes increasingly open to question as learners 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. Further guidance is provided in the Authority's document entitled Code of Practice for Employees whose work brings them into contact with pupils.

### **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; and
- have meetings with learners in secluded areas. Ensure visual access and/or open door in 1 to 1 situations and avoid 'engaged' signs.

### **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;
- information to identify and analyse patterns of learner behaviour and/ or staff training; and
- 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 Head teacher. In serious cases, the Head teacher will submit a report to the Head of Behaviour Support, within the Authority.

Incidents involving the use of force can cause the parents of the learner involved great concern. The Head teacher will ensure that parents are informed straight away, following an incident of restraint. This information will be communicated to parents, initially, orally, if possible and confirmed in writing. Where the information has had to be communicated in writing, because of difficulty in contacting the parent, the parent will be offered the opportunity of a meeting with appropriate senior staff to discuss the incident, if they wish.

### **Support following an incident:**

Serious incidents that require use of force can be upsetting to all concerned and may result in injuries to the learner or to staff. The following action will be taken:

- 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 learners will be offered emotional support;
- where a learner is injured during a restraint, the incident must be referred to Powys Children's Services even if the restraint was appropriately applied in accordance with training.

The Head teacher will:

- decide whether multi-agency partners need to be involved and, if so, which partners. This may include a referral to Local Resource Solution Panel, CAMHS,

the Youth Offending Service, Action for Children (primary), Youth Intervention Service (secondary), 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 learners 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
  - iv. opportunity to analyse, reflect and learn from the incident.

## Complaints

Parents and learners are able to complain about actions taken by school in staff and this might include the use of force. Involving parents when an incident occurs with their learner, plus a clear policy about physical contact with pupils that staff adhere to should help to avoid complaints from parents. It will not prevent all complaints.

When complaints about physical intervention occur:

- the complaint will be addressed in accordance with the school's complaints procedure unless the complaint was that a learner had been injured during a restraint in which case it must be referred to Powys Children's Service as an allegation of abuse by a professional.

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 centre, other agencies or even the police. These will be dealt with in accordance with the all Wales Child Protection Procedures.

## 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**

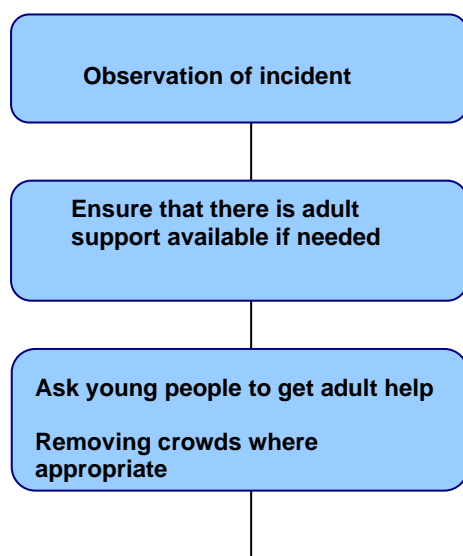
- Shouting
- Posturing
- Gestures
- Insults
- Innuendo
- Unreasonable demands
- Blackmail

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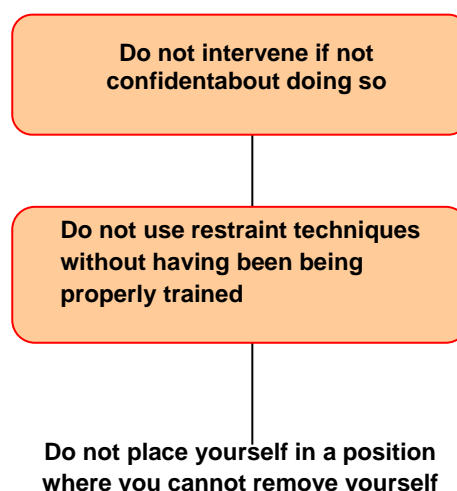
**Action Guidelines**

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

**DO'S**



**DON'TS**







### REPORT ON THE USE OF FORCE TO CONTROL OR RESTRAIN

Report compiled by:		Name of learner:	
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 learner or other learners; c) to prevent damage to property; d) other -	

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 learner was held or restrained and for how long

What was the outcome of the incident including the need for any medical treatment?

Signed:

Date:

Signed: Head teacher:

Date:

**NB. – Copy of report to be forwarded to the Authority ie to the Head of Behaviour Support, Powys County Hall, Llandrindod Wells LD1 5LG  
To be completed by the Head teacher / Member of Senior Staff  
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)**

**Powys Schools Service**

**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:			

**Positive 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:**

Teacher in Head teacher

Signed:

Date:

Parent/ Guardian

Signed:

Date:

\_\_\_\_\_  
Head teacher/Senior Member of Staff

Date: \_\_\_\_\_