



## Pillgwenlly Primary School Policy on the Use of Restrictive Physical Interventions

Updated October 2008, 2009, 2011, 2013, 2015

### FOREWORD

This document has been produced by Newport LA in response to schools' requests following the publication of the W.O. Circular 37/38 Section 550A of the Education Act 1996: The Use of Force to Control or Restrain Pupils.

Staff working with children and young people have a duty of care towards them and have a responsibility to act in ways to promote their well-being and safety. Staff acting in good faith, working within these guidelines and protocols will be positively supported in their actions by the school and the LA.

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

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### Policy Statement

- ✚ This policy is based on W.O. Circular 37/38 and the corresponding Newport LA document, The Use of Reasonable Force to Control or Restrain Pupils- Policy and Guidance

framework. This should be read in conjunction with the council's policy on "Care and Control and the Use of Force"...

### The Legal Use Of Reasonable Force To Control Pupils

- ✚ Teachers and other persons authorised by the head teacher to have charge of pupils may use reasonable force to prevent pupils:
  - causing injury to themselves or others
  - committing a crime
  - causing serious damage to property
  - causing disruption by engaging in behaviour which is seriously prejudicial to good order and discipline
  - Reasonable force has no legal definition but:
    - must take into account the circumstances of the incident, age, gender and development of the pupil
    - the degree of force must be proportional to the seriousness of the situation, behaviour or consequences it is intended to prevent, and always be the minimum needed.
  - Force could not be justified for a trivial misdemeanour or a situation that could be resolved without it
  - Everyone has the right to self-defence provided they do not use a disproportionate degree of force
  - Corporal punishment is illegal.

### Objectives Of This Policy

- To provide all staff, governors, parents and pupils with an understanding of care and control and the use of force.
- To emphasise that the use of positive handling is
  - ☐ *Part of a positive care and control approach to discipline and welfare*
  - ☐ *A last resort, or a necessary expedient option to be used in extreme circumstances.*
- To ensure that all members of staff or authorised persons who may have to positively handle pupils, clearly understand the options, strategies and training opportunities open to them.

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### Those Who Can Use Reasonable Force

- We recognise that most of the time positive handling will be used infrequently, that is, as a last resort to maintaining a safe environment.
- All teaching staff have a contractual duty for "maintaining good order and discipline among pupils and safeguarding their health and safety"
- Support staff require specific authorisation to use restrictive physical interventions. This authorisation can only be given by the head teacher or someone deputising in his/her absence.
- Authorised staff will be notified formally. A list of authorised staff is available. (Appendix 1)
- Appropriate training will be provided.

### When Reasonable Force Might Be Appropriate

- We recognise that some children may not be able to control their reaction to events as well as others and at times may place themselves or others at risk through their uncontrolled behaviour, reasonable force might be appropriate when;
- Action is necessary in self-defence or because of imminent risk of injury
- There is a serious and developing risk of damage to property
- Where pupil's behaviour is seriously prejudicial to good order and discipline
- Wherever possible early support from colleagues will be sought.
- Strategies other than force will be considered e.g.
  - providing disruptive pupil with a choice of locations to exit to, giving clear directions and allowing 'take-up' time thus allowing a 'face-saving' opportunity,
  - removing the audience, i.e. other pupils leave the room,
  - letting another member of staff take responsibility for managing the incident.

### Procedures And Practical Considerations During Specific Incidents

- Wherever practicable staff are expected to:
  - Use a calm and measured approach
  - Tell the pupil to stop, remind them of consequences, tell them what will happen if s/he does not stop
  - Seek assistance from other colleagues at as early a stage as possible
  - Staff who become aware that another member of staff is intervening physically with a pupil have a responsibility to provide a presence, and to offer support and assistance should this be required.
  - Try to defuse the situation orally and prevent escalation
  - Try to remove the pupil from the peer audience
  - Attempt to communicate with the pupil throughout the incident
  - In as calm a manner as possible, explain that the reason for intervention is to keep the pupil and others safe
  - Make it clear that positive handling will stop as soon as the pupil calms and the risk assessment indicates it is no longer necessary
  - If it is not possible to control the extreme pupil without risk of injury to yourself or others, remove the other pupils who may be at risk and summon assistance

It is good practice:

- Not to give the impression of being out of control
- Not to give the impression of having lost your temper or are acting out of anger or frustration
- Not to give the impression of trying to punish the pupil
- Not to intervene in an incident without help unless it is an emergency or staff are confident of being able to help without risk of injury or making the situation worse.
- To call for assistance.

### Application Of Force During Specific Incidents

Staff must be sensitive to matters relating to culture and gender issues and any known individual characteristics or special circumstances relating to pupils.

- Methods that staff **may use** must be appropriate to the circumstances of the case and are supported by a risk assessment.
- Staff **may not** carry out action that might reasonably be expected to injure.

Such actions might be the only viable option in the most extreme situation when emergency action is needed to prevent the risk of serious injury or loss of life, e.g. to prevent a pupil running into a busy road or to stop an extremely violent assault.

Other considerations for **non-urgent situations** where the risk to people or property is not imminent:

- Consider carefully whether positive handling is the right course of action
- Try to deal with the situation through other strategies before using force
- Try to defuse and calm the situation to establish good order, the use of positive handling could lead to an escalation of the problem
- Take into account the age, understanding, personal characteristics of the pupil
- The use of positive handling to enforce compliance is likely to be increasingly inappropriate with older pupils
- Never use force as a substitute for good behaviour management
- In non-urgent situations force should only be used when all other methods have failed

### **Reporting And Recording Incidents**

In this school, in exercising their duty of care, staff will use their professional judgement to decide how incidents are recorded, but clearly restrictive physical interventions need a detailed record.

Once a situation has been brought under control, the responsibilities of staff, Heads and Managers **after every incident** are –

#### **Employees**

1. **Obtain medical attention (if necessary) as soon as possible.** All employees should be aware of the location of qualified first aiders and first aid boxes. For more serious injuries, all employees should be aware of the procedure to be followed to obtain professional medical assistance, including the location of telephones and emergency numbers.
2. **Inform Headteacher as soon as possible.**
3. **Serious Incidents** (restrictive physical intervention or injury) – complete a Serious Incident report form from KB within 24 hours. You should ask witnesses to complete statements, and you should get a copy of the form after it has been signed by the KB, which you should keep for your own records. All forms are kept in KB's office.

#### **Headteachers**

1. **Ensure the situation is under control and that all participants are safe from further injury as soon as possible.** Ensure that anyone who has been injured seeks medical attention as soon as possible.
2. **Investigate the incident.** All incidents must be investigated to establish the cause, although Heads should use their discretion about the extent of the investigation. Ensure that witnesses complete statements and where necessary, staff directly involved in the incident complete either an entry in the school log (for minor incidents) or a Serious Incident report form within 24 hours.
3. **Inform the pupil's parents** verbally at the end of the day or by letter, but if they cannot be reached, they should be contacted by letter and given an opportunity to discuss the incident. It may be necessary to write to the pupil's parents in any event if the incident is very serious and further disciplinary action in line with school's behaviour policy (or protocol) is necessary.

4. **Initiate remedial action and monitor effectiveness.** If further incidents are to be prevented, it is essential that appropriate remedial action is taken as soon as possible and that its effectiveness is monitored. Further action may be necessary if incidents are repeated.
5. **Complete the entry in the school log/diary or Serious Incident forms.** Copies of Serious Incident forms should be attached to the school log, given to the employee and copies sent to the NCC as soon as practical after the incident.  
Incidents which result in serious injury leading to time off work or hospital visits may be reportable to the HSE under RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations). Heads should seek advice from the Health and Safety Advisor if they are unsure whether RIDDOR applies, and, if appropriate, should send completed RIDDOR forms to the HSE with a copy to the H&S Advisor.
9. **Headteachers should review the record of incidents with a Governor at LAst once each term** to review training needs and the effectiveness of safety procedures.

#### **Debriefing Following Serious Incidents**

- Pupils and members of staff will be checked for any sign of injury and first aid or medical treatment will be administered if required in line with school's policy.
- The pupil will be given time to become calm while staff continue to supervise him/her. When the pupil regains complete composure, a senior member of staff will discuss the incident with the pupil and try to ascertain the reason for it. The pupil will be given the opportunity to explain things from his/her point of view. All necessary steps will be taken to re-establish the relationship between the pupil and the member(s) of staff involved in the incident. In cases where it is not possible to speak to the pupil on the same day the debrief will occur as soon as possible after the pupil returns to school.
- All members of staff involved will be allowed a period to debrief and recover from the incident. This may involve access to external support. A senior member of staff will provide support to the member of staff involved.

#### **Other Procedures Concerning Incidents**

If necessary and appropriate the Chair of Governors, LA, social services or police will be informed /consulted. Help, support and reassurance will be given where appropriate to any victims involved. Where possible an attempt will be made to help the pupil modify their behaviour. If possible, meaningful or appropriate, the pupil will apologise (restorative justice) and other consequences/sanctions reparations and monitoring take place. In serious cases exclusion will be considered.

#### **Complaints.**

This policy is in accordance with the LA policy in respect of the use of restrictive physical interventions in schools. As such, those acting in accordance with it, providing they act in good faith, working within the authority guidelines, will be positively supported in their actions by the school and the LA.

All complaints will be recorded and followed up by the head teacher or their representative in the first instance. Where appropriate the LA will be notified/kept informed.

A complaint or dispute about the use of force by a member of staff might lead to an investigation under disciplinary procedures or by the Police and Social Services under Child Protection procedures. See other guidance in the school Child Protection Policy

