



Policy and Guidance for Schools / Educational Settings

September 2012



Physical Intervention: the use of reasonable force to restrain and control children and young people

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1. Introduction

This Policy document provides governing bodies, head teachers and staff with guidance and support on the use of physical intervention in schools and educational settings within the Vale of Glamorgan Council. It is intended to support them to provide a safe environment for both staff, children and young people.

The policy and advice set out provides clear guidance that enables staff to make professional judgements and respond appropriately to specific incidents of a physical nature. All staff should be made aware that their employment imposes on them a duty of care in order to maintain an acceptable level of safety at all times. Written guidelines cannot anticipate every situation. It is, however, the intention of this document to ensure that both children and young people and staff are protected in such circumstances.

It also provides guidance on the power available to schools and educational settings to help manage children and young peoples' behaviour and pays due regard to the Welsh Government document 'Safe and effective intervention – use of reasonable force and searching for weapons' and section 93 of 'The Education and Inspectors Act 2006.'

The purpose of legislating on the appropriate use of force is to provide a clear and transparent power which enables staff to use reasonable force in specified circumstances, whilst at the same time, also protecting children and young people from physical violence, injury or abuse, as set out in Article 19 of the United Nations Convention on the Rights of the Child.

2. National Context

The Policy and Guidance for the Use of Reasonable Force to Control or Restrain Pupils for the Vale of Glamorgan Council is provided within the context of the guidance contained 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. The legal context and guidance has been taken from the Welsh Government's document '*Safe and effective intervention – use Of reasonable force and searching for weapons*' and section 93 of The Education and Inspectors Act 2006. **(Appendix 1 ' what the law says')**

Account should also be taken of Welsh Government guidance on the promotion of positive behaviour, as effective early intervention and the use of de-escalation strategies will have a direct impact on the need for physical intervention. Key guidance includes 'Inclusion and Pupil Support Circular 47/2006.

Policies on physical intervention in schools and educational settings should also be consistent with their related policies on Child Protection and Equal Opportunities, and with national and local guidance on safeguarding children and young people. In particular, careful attention should be paid to issues related to SEN and/or disability, gender and privacy, and to any specific requirements of certain cultural/religious groups.

3. Local Context

This policy document provides Governing Bodies, head teachers, teachers and non teaching staff with guidance and support on the use of physical intervention in schools and educational settings within the Vale of Glamorgan Council.

The use, or potential use, of physical intervention where a member of staff uses force intentionally to restrict a child's movement against his or her will is likely to raise anxieties. Children and young people and parents/carers should be reassured that the Council provides this guidance to schools and educational settings to ensure that the use of physical intervention is used only in exceptional circumstances. Staff should be reassured that where they follow the guidance set out in the model policy (**Appendix 3**) and where they act appropriately and in good faith, their actions will be supported by their colleagues, head teacher, governing body and the Council.

4. Aims and Objectives

The aim of this policy and guidance document is to:

- develop a consistent Vale of Glamorgan Local Authority (LA) approach to managing physical intervention;
- ensure that a duty of care is being exercised to all children and young people;
- ensure that all Council staff, schools and educational settings are aware of their responsibilities in relation to physical intervention including identified training requirements;
- provide schools and educational settings with a framework for a model policy regarding the use of physical intervention;
- ensure that incidents of physical intervention are recorded by schools and reported to the Directorate of Learning and Skills within 24 hours.

5. General Principles

All staff members have a legal power to use reasonable force to prevent children and young people committing a criminal offence, injuring themselves or others, or damaging property; and to maintain good order and discipline amongst children and young people.

The focus should be on early intervention and preventing, as far as possible, the need for the use of force on children and young people, by creating a calm, orderly and supportive school climate that lessens the risk and threat of violence of any kind. **The use of force should only be used as a last resort**, schools and educational settings should minimise the possibility of force being needed. This may not always be possible and in such circumstances staff should be aware of sensitivities associated with any form of physical contact with children and young people.

Schools and educational settings should not restrict the ability of staff to use force by adopting a 'no-contact' policy. The power to use force helps ensure the safety of all concerned. A 'no-contact' policy may place a member of staff in breach of their duty of care towards the child or young person, or prevent them taking an action needed

to prevent the child or young person causing an injury to others or damage to property.

6. Process and Implementation

The Directorate of Learning and Skills promotes safe and effective practice in relation to the use of physical intervention by:

- ensuring that all schools and educational settings have a policy and associated practice in place;**(Appendix 3)**;
- providing effective training programmes in
 - behaviour management and de-escalation strategies;
 - the use of physical intervention (Team Teach);
- monitoring the training data base to ensure that schools and trainers are compliant with training requirements;
- ensuring that schools and educational settings record physical intervention incidents and submit signed completed forms to the Directorate of Learning and Skills within 24 hours of a restraint incident **(Appendix 5)**;
- ensuring that schools and educational settings provide appropriate post incident support;
- ensuring that schools and educational settings have regard to the requirement to report physical intervention incidents and complaints to Governing Bodies /Management Committee, respectively
- providing clear guidance to schools regarding the constructive use and implementation of post incident support, positive handling plans, risk assessments and good practice **(Appendix 6)**.
- providing guidance to schools regarding the requirement to immediately inform the Designated Lead Officer, David Davies (01446 709184) or about any complaint or allegation related to a physical intervention incident. This information will then be shared with the Child Protection Unit.

7. Monitoring, Evaluation and Review

The Council demonstrates that it is exercising its duty of care to children and young people and staff via the following mechanisms and processes:

- schools and educational settings are required to submit signed forms to the Learning and Skills Directorate within 24 hours;
- the completed forms are monitored and analysed on a monthly basis by the pupil support service to identify developing trends. This information is discussed and shared with schools and educational setting on an annual basis;
- where necessary/appropriate a representative(s) from the Learning and Skills Directorate will undertake follow up work with schools and educational settings to ensure that appropriate arrangements are in place in relation to physical intervention;

- support is targeted at individual schools and educational settings based on key information/ data;
- the Designated Lead Officer for Child Protection links with Children's Services to monitor any complaints being considered via the Professional Strategy Process;
- in accordance with the Directorates reporting mechanisms, key data regarding physical intervention is reported to the Directorate Management Team and Elected Members;

The Designated Senior Person Child Protection within schools and educational settings should work with the Head teacher and the Designated Governor for Child Protection to monitor, analyse and take appropriate action in response to the use of physical intervention. Such analysis should consider equality issues including age, gender, disability, culture and religion in order to make sure that there is no potential discrimination; the analysis should also have regard to potential child protection issues. Analysis should also consider trends in the relative use of physical intervention across different staff members (including those who are formally authorised/not authorised; and trained/not trained) and across different times of day or settings. This analysis should be reported back to the Governing Body so that appropriate further action can be taken and monitored.

This Policy will be reviewed annually and updated in the light of any changes in legislation

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Appendix 1

'What the law says'

The legal context and guidance has been taken from the Welsh Government's document Safe and effective intervention- use of reasonable force and searching for weapons and section 93 of The Education and Inspectors Act.

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

Those exercising the power to use reasonable 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;

- 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).

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).

There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour. However, deciding whether misbehaviour is trivial also depends on circumstances. For example, running in a corridor crowded with small children where there is a real danger of knocking them into walls or down steps may be dangerous enough not to be regarded as trivial.

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.

On preventing other types of criminal offence, Section 93 provides essential clarification. It is by no means clear that all the behaviours that prejudice school discipline are also criminal offences and most primary pupils are below the age of criminal responsibility. So Section 93 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

Reasonable force may also be used in exercising the statutory power, introduced under Section 45 of the Violent Crime Reduction Act 2006, to search pupils, without their consent, for weapons. This search power would apply to head teachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force could be used by the searcher and/or the second person required to be present at a search. However the Welsh Government strongly advises schools not to search pupils where resistance is expected, but rather to call the police.

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. The use of force should be an act of care and control, not punishment. It is unlawful to use any degree of physical contact that is deliberately intended to punish a child or young person or which is intended to cause pain, injury or humiliation

Appendix 2:

Responsibilities of Schools and educational settings

2.1 Policy and Procedures

The Learning and Skills Directorate expects schools and other educational settings to have accessible policies in relation to the use of physical intervention and behaviour management that staff are aware of and refer to when necessary. School policies and planning need to consider and identify emergency and planned responses when the use of physical intervention may be necessary. It is good practice for governors, staff, recognized trade unions, pupils and those with parental responsibility to be consulted about the policy and for the policy to be approved formally by the Governing Body and made known to staff, pupils and parents either as part of the school's behaviour policy or separately.

As the statutory power to use force would be held by individual members of staff, no school should have a policy of 'no physical contact' because this would make staff members feel deprived of that power or hinder their exercise of it. In addition, a 'no physical contact' policy may also put the health and safety of pupils at risk.

Safety is always a paramount concern and as such staff are not required or advised to use reasonable force if it is likely to put their own safety or the safety of others at risk.

It would be sensible for a school's policy on the use of force to describe both the kinds of circumstances the school regarded as justifying the use of force to restrain a pupil (for example, to prevent them injuring somebody) and the kinds of circumstances the school regarded as justifying the use of force to require a pupil to comply with a reasonable instruction (for example, to leave the classroom). All staff - authorised and unauthorised - need to understand their powers and the options open to them. They need to know what is acceptable and what is not. Similarly, all pupils should be made aware of what powers are available to school staff and the circumstances under which this power could be used

2.2 What type of physical intervention can and cannot be used?

Any use of physical intervention should be consistent with the principle of reasonable force. The Vale of Glamorgan Council has issued a set of guidelines for staff on how to use physical intervention in an emergency situation (**Appendix 6**). Where a risk assessment indicates that an individual student's behaviour is likely to need physical management, schools should ensure that identified staff have received appropriate training. The Learning and Skills Directorate will facilitate this on request

A school's policy on use of force should be consistent with but not necessarily part its behaviour policy. The Welsh Government guidance on the promotion of positive behaviour and school behaviour policies can be found in the Inclusion and Pupil Support Circular 47/2006. It should also be consistent with the school's policies on child protection and health and safety

A school's policy on the use of physical intervention should describe examples of:

- the different approaches which should be used prior to force being used;
- the circumstances which the school sees the use of force to restrain a pupil as reasonable (for example, to prevent them injuring somebody); and

The circumstances the school regards as justifying the use of force to require a pupil to comply.

Appendix 3 suggests a policy that schools may find helpful,

2.3 Reducing the likelihood of situations arising where use of force may be required

Although preventative measures will not always work, there are a number of steps that schools can take to help reduce the likelihood of situations arising where the power to use force may need to be exercised:

- creating a calm, orderly and supportive school climate that minimises the risk and threat of violence of any kind;
- developing effective relationships between pupils and staff that are central to good order;
- adopting a whole-school approach to developing social and emotional skills e.g. The NBAR project and The Social and Emotional Aspects of Learning (SEAL) programme;
- 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. Further guidance is provided in the Welsh Government's Inclusion and Pupil Support Guidance, Circular 47/2006;
- effectively managing individual incidents. It is important to communicate calmly with the pupil, using non-threatening verbal and non-verbal language and ensuring the pupil can see a way out of a situation. Strategies might include, for example, going with the staff member to a quiet area, away from bystanders or other pupils, so that the staff member can listen to concerns; or being joined by a particular member of staff well known to the pupil; and
- wherever practicable, warning a pupil that force may have to be used before using it.

2.4 Pupils with special educational needs and/or disabilities

The following advice is particularly relevant to pupils with SEN and/or disabilities:

- Involve the SEN coordinator or other named member of staff and parents in developing the school's policy and practice on the use of force. This will help ensure that appropriate account is taken of the needs of individual pupils with SEN and/or disabilities.
- Develop behaviour management plans for individual pupils assessed as being at greatest risk of needing physical interventions in consultation with the pupil and his or her parents or carers. Further advice on risk assessments is

provided in paragraphs 3.11 and 3.12 and Appendix 3 (Positive Handling plan) Behaviour management plans set out the techniques that should be used and those that should not normally be used. For pupils maintained on a statement of SEN any planned potential use of physical intervention should be compatible with a pupil's statement and properly documented in school records.

- As far as practically possible, make staff who come into contact with such pupils aware of the relevant characteristics of those individuals, particularly:
 - situations that may provoke difficult behaviour, preventive strategies and what de-escalation techniques are most likely to work;
 - what is most likely to trigger a violent reaction, including relevant information relating to any previous incident requiring use of physical intervention; and
 - if physical intervention is likely to be needed, any specific strategies and techniques that have been agreed by staff, parents and the pupil concerned.
- Information from parents may be as valuable as information held by the school. Some of this information may be sensitive. Schools should seek written consent from the parent to inform appropriate staff. However, where consent is unreasonably withheld the information may still be made available to staff who need it where this would be in the best interests of the pupil concerned. The importance of providing such information will be a factor in decisions about giving temporary authorisation to parent volunteers and others to supervise pupils.
- Designate staff to be called if incidents related to particular pupils occur. This does not necessarily mean waiting for them to arrive before taking action if the need for action is urgent. However they should always be involved in post-incident follow-up. Where physical intervention is required staff should always work in pairs.
- Teach pupils who are at risk how to communicate in times of crisis and strategies to use in a crisis (such as using personal communication passports and non-verbal signals to indicate the need to use a designated quiet area or cool-off base) and ensure staff are familiar with these strategies.

2.5 Ensuring that staff know who has statutory power to use reasonable force.

The Head teacher or delegated senior member of staff is advised to do the following:

- As part of an induction process, explicitly inform the people concerned of their responsibilities in relation to the school policy on use of reasonable force. He/she should make clear that all teachers and staff the head has authorised to have control or charge of pupils automatically have the statutory power to use force. This could form part of a list of items to include in a suggested staff induction checklist / handbook.

- For staff who have temporary authorisation he/she should 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) know who they are. Given the requirement for schools to maintain a central, up-to-date record of the Criminal Records Bureau status of all staff and volunteers, they may wish to align these two sets of records.

2.6 Deciding if the use of force would be appropriate

The judgment on whether to use force and what force to use should always depend on the circumstances of each case and - crucially in the case of pupils with SEN and/or disabilities - information about the individual concerned.

Decisions on whether the precise circumstances of an incident justify the use of significant force must be reasonable. Typically such decisions have to be made quickly, with little time for reflection. Nevertheless, staff should make the clearest possible judgments about:

- the seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if force is not used. The greater the potential for injury, damage or serious disorder, the more likely it is that using force may be justified;
- the chances of achieving the desired result by other means. The lower the probability of achieving the desired result by other means, the more likely it is that using force may be justified; and
- the relative risks associated with physical intervention compared with using other strategies. The smaller the risks associated with physical intervention compared with other strategies, the more likely it is that using force may be justified.

2.7 Risk assessments

Leadership teams are advised to assess the frequency and severity of incidents requiring use of force that are likely to occur in their school. Historical patterns usually provide a good starting point. These assessments will help to inform decisions about staff training (See Section 4). Planned responses to challenging behaviour should be informed by a completed risk assessment. Risk assessments of challenging behaviour should indicate if specific training in relation to the use of reasonable force to control or restrain pupils is necessary.

Schools may also need to make individual risk assessments (Appendix 4) 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 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.

2.8 Situations where staff should not normally intervene without help

An authorised member of staff should not intervene in an incident without help, unless it is an emergency. Schools should have communication systems that enable a member of staff to summon rapid assistance when necessary. Help may be needed in dealing with a situation involving an older or physically stronger pupil, a large pupil, more than one pupil or if the authorised member of staff believes he or she may be at risk of injury. In these circumstances he or she should take steps to remove other pupils who might be at risk and summon assistance from other authorised staff, or where necessary phone the police.

Appendix 3:

Physical intervention in schools and educational settings: a model policy

1 Background

We define physical intervention as follows:

Physical intervention is when a member of staff uses force intentionally to restrict a child's movement against his or her will. All staff within this setting aim to help children take responsibility for their own behaviour. We do this through a combination of approaches, which include:

- positive role modelling
- teaching an interesting and challenging curriculum
- setting and enforcing appropriate boundaries and expectations
- providing supportive feedback.
- providing appropriate coping strategies for managing behaviour.

More details about this and our general approach to promoting positive behaviour can be found in our behaviour policy. There are times when children's behaviour presents particular challenges that may require physical intervention. This policy sets out our expectations for the use of such intervention. It is not intended to refer to the general use of physical contact which might be appropriate in a range of situations, such as:

- giving physical guidance to children (for example in practical activities and PE) providing emotional support when a child is distressed
- providing physical care (such as first aid or toileting).

This policy is consistent with our Child Protection and Equal Opportunities policies, and with national and local guidance for schools on safeguarding children. We exercise appropriate care when using physical contact (there is further guidance in our Child Protection policy); there are some children for whom physical contact would be inappropriate (such as those with a history of physical or sexual abuse, or those from certain cultural/religious groups). We pay careful attention to issues of gender and privacy, and to any specific requirements of certain cultural/religious groups.

2 Principles for the use of physical intervention

2.1 In the context of positive approaches

We only use physical intervention where the risks involved in using force are outweighed by the risks involved in not using force. It is not our preferred way of managing children's behaviour. Physical intervention may be used only in the context of a well established and well-implemented positive behaviour management framework with the exception of emergency situations. We describe our approach to promoting positive behaviour in our Behaviour Policy. We aim to do all we can in order to avoid using physical intervention. We would only use physical intervention where we judge that there is no reasonably practicable less intrusive alternative. However, there may be rare situations of such concern where we judge that we would need to use physical intervention immediately. We would use physical

intervention at the same time as using other approaches, such as saying, “Stop!” and giving a warning of what might happen next. Safety is always a paramount concern and staff are not advised to use physical intervention if it is likely to put themselves at risk. We will make parents/guardians aware of our Physical Intervention policy alongside other policies when their youngster joins our school.

2.2 Duty of care

We all have a duty of care towards the children and young people in our setting. This duty of care applies as much to what we *don't* do as what we *do*. When children or young people are in danger of hurting themselves or others, or of causing significant damage to property, we have a responsibility to intervene. In most cases, this involves an attempt to divert the child to another activity or a simple instruction to “Stop!” along with a warning of what might happen next. However, if we judge that it is necessary, we may use physical intervention.

2.3 Reasonable force

When we need to use physical intervention, we use it within the principle of reasonable force. This means using an amount of force in proportion to the circumstances. We use as little force as is necessary in order to maintain safety, and we use this for as short a period as possible.

3 When can physical intervention be used?

The use of physical intervention may be justified where a pupil is:

1. committing an offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil)
2. causing personal injury to, or damage to the property of, any person (including the pupil himself); or
3. 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.

Physical intervention may also be appropriate where, although none of the above have yet happened, they are judged as highly likely to be about to happen. We are very cautious about using physical intervention where there are no immediate concerns about possible injury or exceptional damage to property. Physical intervention would only be used in exceptional circumstances, with staff that know the student well and who are able to make informed judgements about the relative risks of using, or not using, physical intervention; for example stopping a younger child leaving the school site.

The main aim of physical intervention is usually to maintain or restore safety. We acknowledge that there may be times when physical intervention may be justified as a reasonable and proportional response to prevent damage to property or to maintain good order and discipline at the school. However, we would be particularly careful to consider all other options available before using physical intervention to achieve either of these goals.

In all cases, we remember that, even if the aim is to re-establish good order, physical intervention may actually escalate the difficulty. If we judge that physical intervention

would make the situation worse, we would not use it, but would do something else (like go to seek help, make the area safe or warn about what might happen next and issue an instruction to stop) consistent with our duty of care.

Our duty of care means that we might use a physical intervention if a child is trying to leave our site and we judged that they would be at unacceptable risk. This duty of care also extends beyond our site boundaries: there may also be situations where we need to use physical intervention when we have control or charge of children off site (e.g. on trips). We never use physical intervention out of anger or as a punishment.

4 Who can use physical intervention?

If the use of physical intervention is appropriate, and is part of a positive behaviour management framework, a member of staff who knows the child well should be involved, and where possible, BILD accredited trained in the use of physical intervention. However, in an emergency, any of the following may be able to use reasonable force:

1. any teacher who works at the school,
2. any other person whom the head teacher has authorised to have control or charge of pupils, including:
 - a. support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors;
 - b. people to whom the headteacher 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) but not prefects.

5 Planning around an individual and risk assessment

In an emergency, staff do their best, using reasonable force within their duty of care. Where an individual child has an individual positive behaviour management plan, which includes the use of physical intervention, we ensure that such staff receive appropriate training and support in behaviour management as well as physical intervention. We consider staff and children's physical and emotional health when we make these plans and consult with the child's parents/guardians. In most situations, our use of physical intervention is in the context of a prior risk assessment that considers:

- What the risks are
- Who is at risk and how
- What we can do to manage the risk (this may include the possible use of physical intervention)

We use this risk assessment to inform the individual behaviour plan that we develop to support the child. If this behaviour plan includes physical intervention it will be as just one part of a whole approach to supporting the child's behaviour. The behaviour plan outlines:

- Our understanding of what the child is trying to achieve or communicate through his/her behaviour
- How we adapt our environment to better meet the child's needs
- How we teach and encourage the child to use new, more appropriate behaviours
- How we reward the child when he or she makes progress
- How we respond when the child's behaviour is challenging (responsive strategies).
- We pay particular attention to responsive strategies. We use a range of approaches (including humour, distraction, relocation, and offering choices) as direct alternatives to using physical intervention.
- We choose these responsive strategies in the light of our risk assessment.
- We draw from as many different viewpoints as possible when we anticipate that an individual child's behaviour may require some form of physical intervention. In particular, we include the child's perspective. We also involve the child's parents (or those with parental responsibility), staff from our school who work with the child, and any visiting support staff (such as Educational Psychologists, Behaviour Support Team workers, Speech and Language Therapists, Social Workers and colleagues from the Child and Adolescent Mental Health Services).
- We record the outcome from these planning meetings and seek parental signature to confirm their knowledge of our planned approach. We review these plans at least once every 4 to 6 months, or more frequently if there are any concerns about the nature or frequency of the use of physical intervention or where there are any major changes to the child's circumstances.
- We recognise that there may be some children within our school who find physical contact in general particularly unwelcome as a consequence of their culture/religious group or disability. There may be others for whom such contact is troubling as a result of their personal history, in particular of abuse. We have systems to alert staff discretely to such issues so that we can plan accordingly to meet individual children's needs.

6. What type of physical intervention can be used?

Any use of physical intervention by our staff should be consistent with the principle of reasonable force. In all cases, staff should be guided in their choices of action by the principles in section 2 above. Staff should not act in ways that might reasonably be expected to cause injury, for example by:

- Holding a child around the neck or collar or in any other way that might restrict the child's ability to breathe
- Slapping, punching or kicking a child
- Twisting or forcing limbs against a joint
- Tripping a child
- Holding a child by the hair or ear

Such actions would normally be considered potentially inappropriate. We do not plan for and do not allow, except in emergency situations, staff to use seclusion. Seclusion is where a young person is forced to spend time alone in a confined space against their will. We may, however, use withdrawal or time-out in a planned way. We define these as follows:

Withdrawal involves taking a young person, with their agreement, away from a situation that has caused anxiety or distress, to a place where they can be observed continuously and supported until they are ready to resume their usual activities.

Time-out is where a response to a young person's inappropriate behaviour includes a specific period of time with no positive reinforcement as part of an overall intervention plan.

7 Recording and reporting

We record any use of physical intervention. We do this as soon as possible and in any event within 24 hours of the incident. A copy of the incident form is sent to the Pupil Support Service within 24 hours of the incident to allow for the analysis of the use of physical intervention across the authority. According to the nature of the incident, we may also note it in other records, e.g the accident book, violent incident records or child tracking sheets which are also kept in head teacher's/ school office and shared with appropriate Children's Services Department, e.g. Health and Safety where appropriate. Further, our governing body ensures that procedures are in place for recording significant incidents and then reporting these incidents as soon as possible to the pupil's parents. After using physical intervention, we ensure that the head teacher is informed as soon as possible. We also inform EACH parent by phone (or by letter or note home with the child if this is not possible).

8 Supporting and reviewing

We recognise that it is distressing to be involved in a physical intervention, whether as the child being held, the person doing the holding, or someone observing or hearing about what has happened. After a physical intervention, we give support to the child so that they can understand why it was necessary. Where we can, we record how the child felt about this. Where it is appropriate, we have the same sort of conversations with other children who observed what happened. In all cases, we will wait until the child has calmed down enough to be able to talk productively and learn from this conversation. If necessary, the child will be asked whether he or she has been injured so that appropriate first aid can be given. This also gives the child an opportunity to say whether anything inappropriate has happened in connection with the incident.

We also support adults who were involved, either actively or as observers, by giving them the chance to talk through what has happened with the most appropriate person from the staff team. A key aim of our after-incident support is to repair any potential strain to the relationship between the child and the people that were involved in the physical intervention.

After a physical intervention, we consider whether the individual behaviour plan needs to be reviewed so that we can reduce the risk of needing to use physical intervention again.

9 Monitoring

We monitor the use of physical intervention in our school. _____ and _____ are responsible for reviewing the records on a termly basis, and more often if the need arises, so that appropriate action can be taken. The information is also used by the governing body when this policy and related policies are reviewed.

Our analysis considers equalities issues such as age, gender, disability, culture and religion issues in order to make sure that there is no potential discrimination; we also consider potential child protection issues. We look for any trends in the relative use of restrictive physical intervention across different staff members and across different times of day or settings. Our aims are to protect children, to avoid discrimination and to develop our ability to meet the needs of children without using physical intervention. We report this analysis back to the governing body so that appropriate further action can be taken and monitored.

10 Concerns and complaints

The use of physical intervention is distressing to all involved and can lead to concerns, allegations or complaints of inappropriate or excessive use. In particular, a child might complain about the use of physical intervention in the heat of the moment but on further reflection might better understand why it happened. In other situations, further reflection might lead the child to feel strongly that the use of physical intervention was inappropriate. This is why we are careful to ensure all children have a chance to review the incident after they have calmed down.

If a child or parent has a concern about the way physical intervention has been used, our school's complaints procedure explains how to take the matter further and how long we will take to respond to these concerns.

Where there is an allegation of assault or abusive behaviour, we ensure that the head teacher is immediately informed. We would also follow our child protection procedures. In the absence of the head teacher, in relation to physical intervention, we ensure that the deputy head teacher is informed.

If the concern, complaint or allegation concerns the head teacher, we ensure that the Chair of Governors is informed. If parents/carers are not satisfied with the way the complaint has been handled, they have the right to take the matter further as set out in our complaints procedure. The results and procedures used in dealing with complaints are monitored by the governing body.

11 Reviewing this policy

We adopted this policy on _____.

It is next due for review by _____.

(This would depend on the individual setting, but it is recommended that this should be at least every 2 years).

Appendix 4

Recording and Reporting Incidents

Schools are required to maintain systematic records 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. The use of reasonable force to control or restrain pupils must be recorded in writing using the record sheet (**Appendix 5**) within 24 hours.

A copy of the record sheet should be sent immediately to the Learning and Skills Directorate. The head teacher should also be informed of any physical intervention. The records should be kept in a locked cabinet in the head teacher's/ school office and all staff should have access to it. For Children with Safeguarding Files, a copy of the incident sheet should be kept in the Safeguarding File.

Good practice dictates that parents should be informed if the use of physical intervention has been used on their child. Wherever possible, it is best to telephone parents as soon as possible after the incident before confirming details in writing. It is also good practice for parents to be given a copy of the school's policy on the use of force and information on post-incident support

It is good practice for governors to monitor incidents where force has been used. Head teachers have an important role in reporting such incidents to the Governing Body. Schools should have a member of staff and a member of the governing body who are responsible for monitoring, analysing and responding to the use of reasonable force to control or restrain pupils interventions within their school. The local authority also monitors and analyses the use of reasonable force within Vale of Glamorgan schools

Schools may find the model recording form provided in **Appendix 3** helpful. This identifies the types of information that should be recorded.

The member of staff involved in an incident is usually best placed to compile the record. It would be good practice for the member of staff with lead responsibility for safeguarding to check the record and for the school to provide the member of staff involved in the incident with a copy of the final version. Staff training could usefully include good practice on completing incident records.

Differing accounts given of the same incident should all be recorded. It is not always advisable as a matter of course to give parents a copy of the incident record, but parents should be told when and where the incident took place, which members of staff were directly involved (anonymised where necessary), why they decided that force had to be used, what force was used, whether there were any injuries and what follow-up action was needed.

The record is likely to form part of the pupil's educational record as it is a record of information which is processed (obtained, recorded and held) by or on behalf of the Governing Body of the school (or teacher at the school, other than for personal use), relates to the pupil, and originated from or was supplied by a teacher employed by the Governing Body or the local authority.

Even if a copy of the incident record is not provided by the school as mentioned above the parent would be entitled to see the educational record free of charge, within 15 school days of receipt of the parent's written request. If a parent makes a written request for a copy of the record this must be provided, also within 15 school days of that request being received.

When schools comply with a request to see or to have a copy of a pupil's educational record there is some information that must not be disclosed. This is any information that the child him/herself could not lawfully be given under the Data Protection Act 1998, or to which s/he would have no right of access under that Act or by virtue of any order made under section 30(2) or section 38(1) of it. Further detail on what data contained in educational records may be disclosed is contained in the Welsh Government's guidance on Educational Records, School Reports and the Common Transfer System - the keeping, disposal, disclosure and transfer of pupil information, Circular 18/2006. When recording such incidents, staff should bear in mind that, if this information is later passed to the police, it may be included in a Criminal Records Bureau disclosure. Schools should retain records of such incidents until the member of staff involved has reached normal retirement age or for 10 years from the date of the allegation if that is longer.

All injuries should be recorded in accordance with school procedures. The school should take action to report relevant injuries to staff or pupils to the Health and Safety Executive's Incident Contact Centre www.hse.gov.uk/riddor/index.htm.

Members of staff who have been assaulted will wish to consider reporting that to the police.

Appendix 5



Incident Recording Sheet

Name of Young Person:				School:			
Location of Incident:				Date:			
Full Names and Roles of Staff Involved:							
Start Time of Incident		Duration of any Restraint		Any Injuries (If injuries were sustained)		Medical Check	
Hours/minutes		Minutes		Other		Offered	
				Child		Accepted	
Nature of Incident		External Agencies Informed				Supporting Records Completed	
Injury to Person		Medical Staff				Incident Book	
Damage to Property		Parent/Guardian				Accident Report	
Criminal Offence		Social Worker				Medical Report	
Serious Disruption		Placing Authority				RIDDOR*	
Absconding		Police				Formal Statement	
Environment and Triggers:							
Describe what was happening prior to the incident and assess the level of potential risk (please circle):							
Level of Risk (please tick as appropriate):							
High		Medium		Low			
Tick and/or described precisely what the risk was:							
Verbal Abuse		Slap		Punch			
Bite		Pinch		Spit			
Kick		Hair Grab		Neck Grab			
Clothing Grab		Body Holds		Arm Grab			
Throwing Objects		Weapon		Other			
Other:							

* Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR)

Who was at Risk?

Description of the Incident			
Details of any injuries sustained – Picture to be included			
Diversion, Distraction and De-escalation Attempted (please tick):			
Verbal advice and support		Distraction	
Firm clear directions		Diversion	
Negotiation		Reassurance	
Limited choices		Planned ignoring	
Reassuring touch		Withdrawal directed	
Talk calmly.		Change of adult involved	
Time out		Reminders of consequences	
Success reminders		Humour	
Others		Withdrawal offered	
Team-Teach Physical Intervention Strategies Attempted			
Double Elbow (Two Person)		Wrap	
Single Elbow (Two person)		Wrap to Seating	
Single Elbow (Two person) – to seating		Wrap to Floor	
Figure of Four (Two Person)			
Other Intervention Strategies Attempted			
Details and Date(s) of Team Teach Training or other BILD Accredited Training received by member(s) of staff involved			

Follow up – debrief and repair following the incident:			
Staff member (with whom the child has a good relationship) details of child’s account of incident and discussion			
Debrief with parent(s)/carer(s)		Yes / No	
If yes please provide details of discussion			
Name of person completing report:		Signature:	
Position:		Date:	
Signature of Other Person Involved / Witness:		Signature of Other Person Involved / Witness:	
Date:		Date:	

Please return completed form to: Pupil Support Service, Provincial House, Kendrick Road, Barry CF63 8BF

Appendix 6



Positive Handling Plan

Name of child:		Plan number:	
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Positives: <i>What is the pupil good at and what do they like doing?</i>	Triggers: <i>What situations have led to problems in the past?</i>	Successful approaches: <i>What proactive interventions have been effective in preventing the pupil's anxiety rising?</i>
1		
2		
3		
4		
5		

Describe any modifications to the environment or pupil routines that can be implemented to prevent anxieties rising?
1
2
3

De-escalation/describe any strategies that have worked in the past or should be avoided:			
Strategy	Description of impact	Try	Avoid
Verbal advice and support			
Firm clear directions			
Negotiation			
Limited choices			
Distraction			
Diversion			
Reassurance			
Planned ignoring			
Reassuring touch			
Talk calmly			
Time out			
Withdrawal offered			
Withdrawal directed			
Change of adult involved			
Reminders of consequences			
Humour			
Success reminders			
Others			

From your risk assessment, what is the likelihood of a child harming himself/herself, another child or adult in the event of an incident? Is it:			
	Himself/Herself	Another child	Adult
Improbable			
Possible			
Probable			

Please indicate whether this behaviour is likely to be directed towards a pupil or member of staff:		
Type of incident	Towards other pupils	Towards member of staff
Verbal abuse		
Severe disruption of lesson		
Slapping		
Pinching		
Biting		
Punching		
Spitting		
Hair grabbing		
Neck grabbing		
Clothing grabbing		
Arm grabbing		
Body holds		
Weapons/missiles being thrown		

Preferred strategy for dealing with above incidents (1-De-escalation strategies on previous sheet; 2-Summoning assistance; 3-Summoning external assistance (police); 4- Double elbow (2 person); 5-Single elbow (2 person); 6-Single elbow (2 person) – to seating; 7-Figure of four (2 person); 8-Wrap; 9-Wrap to seating; 10-Wrap to floor)

Type of incident	Approach									
	1	2	3	4	5	6	7	8	9	10
Verbal abuse										
Severe disruption of lesson										
Carrying/using smoking materials										
Carrying/using mobile phone										
Slapping										
Pinching										
Biting										
Punching										
Spitting										
Hair grabbing										
Neck grabbing										
Clothing grabbing										
Arm grabbing										
Body holds										
Weapons/missiles being thrown										
Self harm										
Other strategies to be deployed										

Notification:							
	Parent/ Carer	Social Worker	BSS	GP/ CAMHS	ECPS	Child Protection Officer	Other
Name:							
Date:							
Name of Person completing this plan:							

Appendix 7

Physical Intervention

Reminder to staff of **DOs and DON'Ts**

DO

- Know the procedures within the school's guidelines for the use of physical intervention. A copy of these is available from_____.
- Discuss the procedures with a senior member of staff if you are unsure of any point.
- Send for adult help early if things begin to get out of hand and physical intervention seems likely.
- Assess the situation calmly before acting.
- Use minimum restraint for minimum time.
- Report the incident to the Headteacher or senior member of staff as soon as possible and complete a report.

DO NOT

- Place yourself at risk by attempting to intervene physically with a child or young person who is obviously carrying a weapon.
- Attempt to restrain a child or young person when you have lost your temper.
- Use excessive force.
- Place yourself at risk of false allegation, i.e. avoid being alone with a child or young person if possible.