

BARKER'S LANE COMMUNITY SCHOOL POLICY ON THE USE OF FORCE BY STAFF TO CONTROL OR RESTRAIN PUPILS

This policy has been drawn up in consultation and agreement with all staff at Barker's Lane Community School, governors, those with parental responsibility, pupils and the trades unions, based on WG and LA guidance.

At Barker's Lane Community School our aim is to provide a welcoming, secure and safe environment.

Objectives

- To maintain the safety of pupils and staff.
- To prevent serious breaches of school discipline.
- To prevent serious damage to property.
- To preserve children and young people's rights.

This policy should be read in conjunction with the guidance issued from time to time by the Welsh Government and with particular reference to Circular 097/2013 "Safe and Effective Interventions – Use of Reasonable Force and Searching for Weapons". The school follows the principles and recommendations set out in this guidance. It should also be read in conjunction with the school's pupil behaviour policies as well as the All Wales Child Protection Policy and school safeguarding / child protection policy. However, 097/2013 states:

"Schools should never seek to inhibit the ability of staff to use force by adopting a 'no contact' policy. The power to use force helps ensure pupil and school safety and the risk with a no-contact policy is that it might place a member of staff in breach of their duty of care towards a pupil, or prevent them taking an action needed to prevent a pupil causing injury to others".

Minimising the need to use force

Our aim is to create an environment in which the use of force in relation to a pupil is unlikely and situations are diffused before it becomes necessary:

- we create a calm environment minimising the risk of incidents;
- whole school behaviour policy and training for staff;
- social and emotional wellbeing approaches to teach pupils how to manage conflict and strong feelings are promoted, e.g. SAP, Forest School, Friends, circle time;
- de-escalation techniques, e.g. redirection; calm spaces

Circumstances in which reasonable force may be used:

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.

Staff authorised to use force:

All school staff members have a legal power to use reasonable force to prevent pupils committing an offence, injuring themselves or others or damaging property; and to maintain good order and discipline amongst pupils. The staff to which this power applies are defined in section 95 of the Act. They are:

- any teacher who works at the school, and any other person whom the head has authorised to have control or charge of pupils. This includes:
 - i) support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors;
 - ii) can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying pupils on school-organised visits); and
 - iii) does not include prefects / playground buddies.

Deciding whether to use force

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 ALN and/or disabilities - information about the individual concerned.

Barker's Lane Community School will ensure that relevant staff will be made aware of any individual pupils behaviour plans and/or specific needs of individual pupils and in particular those with Additional Learning Needs, which may impact on the range, type and appropriateness of any physical intervention.

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.

The use of force should only be necessary when:

- the potential consequences of not intervening were sufficiently serious to justify considering the use of force;
- the chances of achieving the desired result by other means were low;
- the risk associated with not using force outweighed those of using force.

Examples of situations

Examples of situations that particularly call for judgments of this kind include:

- a pupil attacks a member of staff, or another pupil;
- pupils are fighting, causing risk of injury to themselves or others;
- a pupil is committing, or on the verge of committing, deliberate and serious damage to property;
- a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;

- a pupil absconds from a class or tries to leave school other than at an authorised time. Refusal of a pupil to remain in a particular place is not enough on its own to justify use of force. It would be justifiable where allowing a pupil to leave would:
 - i) entail serious risks to the pupil's safety (taking into account age and understanding), to the safety of other pupils or staff, or of damage to property; or
 - ii) lead to behaviour that prejudices good order and discipline, such as disrupting other classes;
 - iii) a pupil persistently refuses to follow an instruction to leave a classroom;
 - iv) a pupil is behaving in a way that seriously disrupts a lesson; or
 - v) a pupil is behaving in a way that seriously disrupts a school sporting event or school visit.

Using force

Before using force staff should, wherever practicable, ask / tell the pupil to stop their actions or force may have to be used, and communicate in a calm and measured manner throughout the incident. Staff should not act out of anger or frustration, or in order to punish a pupil, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

The types of force used could include:

- passive physical contact resulting from standing between pupils or blocking a pupil's path;
- active physical contact such as:
 - i) leading a pupil by the hand or arm;
 - ii) ushering a pupil away by placing a hand in the centre of the back;
 - iii) in more extreme circumstances, using appropriate restrictive holds, **which require specific expertise or training.**

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a pupil running off the pavement onto a busy road or preventing a pupil from hitting someone with a dangerous object such as a glass bottle or hammer.

As far as is safe and possible, staff should not use force unless or until another responsible adult is present to support, observe and call for assistance.

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a pupil.

Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

Staff Training

It is the responsibility of the Headteacher to ensure that staff are fully informed of the school’s policy and understand what authorisation entails. The Headteacher will arrange training and guidance to staff as appropriate. The Local Authority recommends that all schools maintain a register of all staff that have been appropriately trained and include dates. Staff should be updated with training on a regular basis.

Post Incident Support

Serious incidents that require use of force can be upsetting to all concerned and may result in injuries to the pupil or to staff. Immediate action should be taken to provide first aid for any injuries and to access medical help for any injuries that go beyond first aid. It is also important to ensure that staff and pupils are given emotional support and time to talk to rebuild a positive relationship.

Incident Reporting & Recording (See Appendix 1)

The Headteacher will keep securely copies of all written reports and the governing body will monitor the use of restraint.

The Headteacher will advise the parent/carer of any incident involving their child as soon as is reasonably practicable or otherwise at the end of the school day depending upon the seriousness of the incident.

Where necessary and if not already done so, the school will contact other external agencies for support, e.g. CAMHS, ESW, TAC

Risk Assessment (See Appendix 2)

Complaints and Allegations

Complaints and allegations of misconduct arising from incidents are dealt with in accordance with our ‘Complaints’, ‘Safeguarding’ and ‘Staff Disciplinary’ policies.

Review

This policy was reviewed in March 2017 by staff and Governors.

The implementation of this policy will be monitored and it will be reviewed in line with new guidance.

Signed: (Chair of Governors)

..... (Headteacher)