



## **HEALTH & SAFETY POLICY - PART 3**

# **POSITIVE HANDLING, SUPPORT AND PHYSICAL INTERVENTION PROCEDURES**

## REVIEW SHEET

The information in the table below details earlier versions of this document with a brief description of each review and how to distinguish amendments made since the previous version date (if any).

Version Number	Version Description	Date of Revision
1	Original	September 2013
2	Reformatted only	February 2014
3	Updated to include minor changes the Statutory Framework for EYFS due to come into force in September 2014 and the newly published DfE 'Keeping Children Safe in Education' April 2014 and the supporting guidance Keeping Children Safe in Education – Information for all School and College Staff, April 2014.	April 2014
4	Update to reference DfE Behaviour and Discipline in Schools - A Guide for Head teachers and School staff - Reviewed Sept 2014	Oct 2014
5	Updated to reflect DfE 'Keeping Children Safe in Education' March 2015 and the supporting guidance Keeping Children Safe in Education – Information for all School and College Staff, March 2015.	May 2015
6	Updated to take account of DfE 'Keeping Children Safe in Education' July 2015 and the supporting guidance Keeping Children Safe in Education – Information for all School and College Staff, July 2015.	Oct 2015
7	Updated as a result of DfE Behaviour and Discipline in Schools – Advice for Head teachers and School Staff, January 2016	March 2016
8	References to DfE 'Keeping Children Safe in Education' updated to September 2016	August 2016
9	Minor updates to reflect the DfE Statutory Framework for EYFS, 2017 which came into force on 03 April 2017	March 2017

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## **POSITIVE HANDLING, SUPPORT AND PHYSICAL INTERVENTION PROCEDURES**

### **Introduction**

In their advice on 'Ensuring Good Behaviour in Schools', the Department for Education (DfE) have set out the legal powers and duties that govern behaviour in schools which includes the use of reasonable force. In their guide 'Behaviour and Discipline in Schools' the DfE clarifies the legal provisions on school discipline which provides staff with the 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 in the classroom.

In order to maintain the safety and welfare of our pupils, it may sometimes be necessary to use reasonable force on a pupil, as permitted by law.

The Governing Body have taken account of advice provided by the 'DfE - Use of reasonable force - advice for head teachers, staff and governing bodies' and the school's public sector equality duty set out in section 149 of the Equality Act 2010.

The Gillford Centre (hereinafter referred to as 'the school') has drawn these procedures from the guidance issued by the DfE:

- DfE Use of Reasonable Force – Advice for Head teachers, Staff and Governing Bodies, July 2013
- DfE Ensuring Good Behaviour in Schools, 2012
- DfE Behaviour and Discipline in Schools – Guidance for Governing Bodies, July 2013
- DfE Behaviour and Discipline in Schools – Advice for Head teachers and School Staff, January 2016
- DfE Screening, Searching and Confiscation – Advice for Head teachers, School Staff and Governing Bodies, February 2014
- DfE Screening, Searching And Confiscation - Advice for Principals and Staff of Further Education Colleges, Sixth Form Colleges and 16-19 Academies, October 2012
- Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, 2012
- DfE Statutory Framework for Early Years Foundation Stage, 2017
- DfE Keeping Children Safe in Education, September 2016 and Part 1 of the same guidance Keeping Children Safe in Education – Information for all School and College Staff, September 2016
- DfE Working Together to Safeguard Children, March 2015
- DfE Mental Health and Behaviour in Schools, March 2015
- Guidance for Safer Working Practice for those working with Children and Young People in Education Settings/Code of Conduct for Staff – October 2015

These procedures should be read in conjunction with the following school policies and procedures:

- Overarching Safeguarding Statement
- Child Protection Policy and procedures
- Whole School Behaviour Policy and procedures
- Staff Code of Conduct
- Health and Safety Policy
- Single Equality Scheme/Objectives
- Special Educational Needs and Disabilities (SEND) Policy/Information Report
- Drug Policy
- Supporting Pupils at School with Medical Conditions Policy and procedures
- Intimate Care and Toileting Procedures
- Off Site Visits Procedures

### **1. Objectives**

The key objective of this document is to outline the school's procedures on positive handling, support and physical intervention including the use of force to control or restrain pupils.

The school recognises that school staff have a legal power to use force and that the lawful use of this power will provide a defence of any related criminal prosecution or other legal action provided that it can be demonstrated that the use of force was reasonable in the circumstances.

Reasonable force will only be used as a last resort after de-escalation techniques have failed.

School staff are made aware that they will have to justify their actions if they ever use reasonable force in the course of their duties.

The school has a duty to maintain the safety of pupils and staff, to prevent serious breaches of school discipline and to prevent serious damage to property. In order to achieve this, reasonable force will only be used when the risks involved in so doing, are outweighed by the risks involved in not using force. In such circumstances, only the minimum amount of force necessary to the circumstances will be used; not only should any force be proportionate, but it should be for the minimum amount of time necessary to the circumstances.

It is clear in our Whole School Behaviour Policy and in communications to parents and pupils when force might be used – this will reduce the likelihood of complaints being made when force has been properly used.

## **2. Background: What the Law Says**

Section 96 of the Education and Inspections Act, 2006, enables school staff to use reasonable force to prevent a pupil from:

1. committing a criminal offence (or for a young person under the age of criminal responsibility, what would be an offence in an older pupil);
2. causing personal injury or damage to property;
3. prejudicing the maintenance of good order and discipline at the school or among the pupils receiving education at the school, whether during a teaching session or otherwise.

The staff to which this power applies are:

1. Any member of staff who has received Team Teach training.

This power does NOT under any circumstances include pupils or those under the age of 18 on placement or work experience.

The power may be used where the pupil (including a pupil or student from another school) is on the school premises or elsewhere in the lawful control or charge of the staff member; for example on a school visit).

It is, however, strongly recommended that before using force, staff or other authorised persons attempt to use diversion or defusion to manage the situation. If staff or other authorised persons have to use force, they must use techniques and methods with which they are familiar, confident and are permitted by the school. Any force employed, should be reasonable and proportionate and, where possible, it should reflect the person's previous training in the appropriate use of restrictive physical interventions (see Section 12).

As required under Section 246 of the Apprenticeships, Skills, Children and Learning Act, 2009, each significant incident in which a member of staff uses force on a pupil, must be reported as soon as practical, to the Head teacher or to the Deputy Head teacher with responsibility for Safeguarding so that the parent of the pupil can be informed. However, senior staff must not report the incident to a parent if it appears to the staff member that so doing would be likely to result in significant harm to the pupil. If this is the case and there is no parent of the pupil to whom the incident must be reported, this incident must be reported to the Local Authority where the pupil normally lives.

## **3. What is meant by 'Reasonable Force'**

There is no statutory definition of 'reasonable force'. Whether the force used is reasonable will depend on the circumstances of individual cases. The test is whether the force used is proportionate to the circumstances. The degree of force would be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour. Further guidance on the circumstances where reasonable force might be used is included below.

The statutory power conferred by section 93 of the Education and Inspections Act is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence or to prevent another person 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 it is only available to people authorised to have control or charge of pupils. 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.

In its non-statutory guidance 'Use of Reasonable Force in Schools' July 2013, the DfE states:

- The term 'reasonable force' covers the broad range of actions used by teachers at some point in their career that involve a degree of physical contact with a pupil.
- Force is usually used to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a pupil needs to be restrained to prevent violence or injury.
- 'Reasonable in the circumstances' means using no more force than is needed.
- As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive or physical contact, such as standing between pupils; blocking a pupil's path; or physical contact such as leading a pupil by the arm out of a classroom.
- 'Restraint' means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example, when two pupils are fighting and refuse to separate without physical intervention.
- School staff are expected to always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

### **It is always unlawful to use force as a punishment**

This is because this would fall within the definition of corporal punishment, abolished by section 548 of the Education Act 1996.

### **Other physical contact with pupils**

It is not illegal for staff to touch pupils. Whilst the school does not encourage staff to touch pupils unless it is necessary, there are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary. Examples of where touching a pupil might be proper and necessary:

- Touching a pupil on the arm, hand or shoulder to indicate when to stand still, move forward or backwards e.g. in a crowd, queue, assembly;
- When comforting a distressed pupil;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or skills in PE or sports coaching;
- To support pupils with disabilities;
- To give first aid.

The above is not exclusive.

## **4. When the use of Reasonable Force might be appropriate**

The use of force is a relatively rare occurrence in the school. It will be used only as a protective measure and never as a disciplinary penalty. The judgement on whether to use force and what force to be used should depend on the circumstance of the case or information about the individual concerned.

The decision on whether or not to physically intervene is down to the professional judgement of the staff member or authorised adult concerned.

Decisions on whether the precise circumstances of an incident justify the use of force must be reasonable. Typically, such decisions have to be made quickly, with little time for reflection.

Staff should be clear in their judgement:

- The chances of achieving the desired result by other means;
- The seriousness of the incident, the effect of injury, damage or disorder if force is not used;
- The relative risks associated with physical intervention, compared with other strategies.

Examples of situations that particularly call for judgement of this kind include action to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil from behaving in such a way that seriously disrupts a lesson;
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- restrain a pupil at risk of harming themselves through physical outbursts.
- prevent a pupil committing deliberate damage to property;
- prevent a pupil from causing injury or damage, e.g. by accident, or rough play; pushing and shoving in a crowded situation or by misuse of dangerous materials or objects;

With regard to a pupil who is absconding from class, detention or school other than the authorised time: It would only be justifiable to prevent this if allowing a pupil to leave:

- entails serious risks to a pupil's safety (taking into account age and understanding) to the safety of other pupils or staff or of damage to property;
- leads to behaviour that prejudices good order and discipline, such as disrupting other classes.

In the above examples the use of force is likely to be construed as reasonable (and therefore lawful) if it was clear that the behaviour was **sufficiently dangerous and disruptive** to warrant physical intervention of the degree applied and could not realistically be dealt with by any other means.

Reducing the likelihood of situations arising when the use of force may be required:

- a) There are many ways in which the school has minimised the likelihood of situations where the use of force may be required. The school's ethos is designed to create a calm, orderly and supportive school climate as well as fostering positive relationships in the school community. Explicit boundaries for pupils are detailed in the Whole School Behaviour Policy which is supported by parents through the Home-School Agreement.
- b) Staff are trained in positive behaviour management embedded in Team Teach training programme which includes techniques to manage individual incidents including de-escalation of situations.
- c) Staff experiencing difficulties with pupils who are refusing to comply with instructions and disrupting lessons, have a variety of strategies to use including requesting a pupil to leave a room, sending the pupil to the quiet room. In order to de-escalate situations, staff are expected to summon assistance from pastoral staff or senior management if they encounter particularly challenging situations or a pupil refuses to comply with an instruction to leave a classroom or other area.

## **5. The different approaches which may be used prior to force being used**

Where possible, before using force and depending on the circumstances staff will:

- engage the pupil in a calm measured tone, setting out how the pupil could choose to modify their behaviour;
- distract the pupil: for example when pupils are fighting, by shouting or blowing a whistle;
- if any angry pupil has moved away: decide whether they are a risk to themselves and others before deciding to follow/detain;
- remove other pupils who might be at risk;
- summon assistance;
- telephone the police if appropriate;
- warn the pupil that force might be necessary;
- use the minimum amount of force necessary.

*Any force will be proportionate to the level of risk and will be reduced at the earliest possible time.*

Staff will not, as far as possible, use force unless or until another responsible adult is present to

support, observe and call for assistance.

In school, force might be used:

- to control pupils with passive physical contact e.g.
  - standing between pupils;
  - blocking a pupil's path.
- to control pupils with active physical contact e.g.
  - leading a pupil by the hand or arm;
  - ushering a pupil away by placing a hand in the centre of the back.
- to control pupils with more forceful action e.g.
  - in stopping a fight when the protagonists refuse to separate and are pulling/pushing

## **6. What is not an acceptable use of force**

Use of more restrictive holds that require specific expertise or training.

The following are not acceptable in any circumstance:

- Holding a pupil around the neck, or the collar/tie or in any other way that might restrict the pupil's ability to breathe.
- Pushing the pupil's head downwards, or sitting, kneeling or resting on the pupil.
- Pushing or holding the pupil on the floor either in a sitting or lying position.
- Slapping, punching or kicking a pupil.
- Twisting or forcing a limb; forcing a limb against the joint or behind a back.
- Tripping up a pupil.
- Pulling ears; and generally pulling hair.
- Touching or holding in any way that might be interpreted as sexually inappropriate conduct.

In addition, the following are considered to have unacceptable risk when used on children or young people and are not allowed:

- The 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing.
- The 'double basket hold' which involves holding a person's arms across their chest.
- The 'nose distraction technique' which involves a sharp upward jab under the nose.

Staff will avoid acting in a way that might reasonably be expected to cause injury. If this has not been possible, and a pupil sustained an injury as a result of the use of force by a member of staff, that member of staff may be called upon to justify his/her actions.

Staff must always consider their own safety and that of others in deciding how to act in such situations. Staff should also consider calling for assistance before intervening if they have reason to believe that they would be at risk of injury if intervening alone. The school should consider a pre-determined alerting procedure. This procedure can be used for many issues not just the need for physical intervention. A simple book alerting system, where the school have previously identified a book in each classroom, which can be given to a pupil to pass on to another member of staff, is one method. This then serves to alert that member of staff to come to the class base as a matter of urgency. This method has worked well in many schools.

Any force should be limited and removed as soon as possible.

## **7. Placing Physical Intervention in Context**

Physical Intervention is not to be seen in isolation. It is but one strategy available to staff and should always be seen as a last resort when all other strategies have failed. Physical interventions can be placed in two broad categories:

### **Emergency Interventions:**

Emergency interventions will involve ideally a minimum of two staff employing, where necessary, one or a combination of the strategies from Team Teach in response to an incident. This will occur when all other strategies have been exhausted or the incident requires a rapid physical response (for example a child running on to the road).

### **Planned Interventions:**

Planned interventions involve a minimum of two staff employing, where necessary, one or a combination of the strategies from Team Teach as an agreed response to an identified behaviour. This will be documented in the Positive Handling Plan and will be reviewed along with 6 monthly IEPs. Permission of parents/guardians will be sought before initiating this as an accepted response. The Positive Handling Plan will list the accepted strategies to be used as well as strategies that may be used beforehand.

Strategies can be divided into those that are preventative and those that are reactive.

Preventative Strategies need to be:

- Clear and understood by all those who come into contact with the individual.
- Based on thoughts/discussion about possible reasons for challenging behaviour.
- Where possible the functional opposite of the behaviour (functionally incompatible) we are trying to stop, e.g. as simple as if a pupil is constantly hitting someone else then we need to aim for them to be sat in their seat (if they are in their seat they can't be hitting someone).

Reactive Strategies need to be:

- Clear and understood by all those who come into contact with the individual.
- Manageable.
- Focussed on the behaviour not the child.
- Flexible.
- Aimed at De-escalation.

## **8. Recording and Reporting Significant Incidents**

The school does not require parental consent to use force on a pupil. The school has a duty to record and report to parents all *significant* incidents where a member of staff has used force on a pupil.

The member of staff involved must report the matter to the Head teacher or Designated Safeguarding Lead, and make a written record of the incident using a 'Record of Positive Physical Handling or Intervention' pad or sheet as soon as practicable (example given at: <https://www.kymallanhsc.co.uk/document/downloadaddocument/8445>).

The Head teacher, in consultation with Designated Safeguarding Lead, will decide whether an incident is significant or not.

The following would be considered significant:

- Incidents where unreasonable force has been used.
- Incident where substantial force has been used.
- Use of any restraint.
- If the child was very distressed.

In determining whether incidents are significant the following will be considered:

- The pupil's behaviour and level of risk presented at the time.
- The degree of force used and whether it was proportionate in relation to the behaviour.
- The effect on the pupil or member of staff.

School staff should also consider the age of the pupil, any SEN or disability and any other social factor.

Sometimes an incident may not be significant in itself, but may form part of a pattern of repeated behaviour and records should therefore be kept.

## 9. Recording a Significant Incident

Any incident that involves the use of force should be investigated in the same way as other incidents in the school. All accounts of the same incident should be recorded including those of the pupil(s) involved.

The member of staff involved in using force should complete the 'Record of Positive Physical Handling or Intervention' pad as soon as practicable after the incident. He/she may also be required to write a detailed report on the matter as a part of a wider incident. The member of staff may consult their union for advice should they wish. The Designated Safeguarding Lead should check this report and provide the member of staff concerned with a final version for their records. A copy will be placed on the staff member's file.

Reports by other staff and pupils should then be attached to the report. This information will be part of a pupil's records.

## 10. Children with Identifiable Behaviour Difficulties

Children who may have identifiable behaviour difficulties such as those associated with Special Educational Needs; Autistic Spectrum Disorder (ASD) or any undiagnosed but identified behaviour difficulties will be treated in ways advised by specialists in this field. It is often possible to identify reasons for behaviour and put strategies in place to deal with it.

All staff should adopt a positive approach to improving behaviour in order to reward effort and build self-esteem. Staff should work in partnership with those who know the child to:

- find out why the child behaves as he/she does;
- understand the factors that influence a child's behaviour;
- identify early warning signs that indicate foreseeable behaviours are developing.

This approach will help to ensure that early and preventative intervention is the norm. It should reduce the incidence of extreme behaviour and make sure that the use of physical intervention is rare.

If a child's behaviour deteriorates so that he/she is a danger to himself or others it may be necessary to use restrictive physical interventions to prevent him/her hurting him/herself or others. These interventions would be emergency measures or interventions if all other routes have been exhausted.

## 11. Assessing and Managing Risks for Children who present Challenging Behaviours

The term 'risk' refers to any circumstances which could lead to adverse outcomes for the child or others.

Risk assessment and management is a process that helps staff to consider risk issues, to act reasonably and to learn from everyday practice.

Whenever it is foreseeable that a pupil might require a restrictive physical intervention, a risk assessment will be carried out which identifies the benefits and risks associated with the application of different intervention techniques with the pupil. Assessing and managing risk is central to the process of deciding whether to use physical force and ensuring that it is both **reasonable** and **proportionate** to the circumstances. Where it is known that a pupil is likely to present severe behaviour difficulties, a formal assessment of the risks involved will assist staff in judging the benefits and risks of any proposed intervention for staff, the pupil concerned and others. This risk assessment must be undertaken by a competent person i.e. one who knows the process of risk assessment and who has sufficient knowledge about the pupil and his/her behaviour to enable them to make objective decisions on the appropriate control measures to utilise. In the event that risks are thought to be serious for the child or others, a written assessment of the risks and the considered control measures, which may be required in order to reduce the risk to the child and others, should be made. Risk reduction options will be considered such as situations that may provoke difficult behaviour, preventative strategies and de-escalation strategies that are most likely to work, what is likely to trigger a violent reaction and specific strategies and techniques agreed by staff and parents which will be used if

necessary and an agreed 'Behaviour Management Plan' (BMP) and where necessary, a 'Positive Handling Plan' (PHP) produced.

Once agreed the BMP and PHP will be shared with all those responsible for implementing or monitoring the impact of the plan including:

- the child (where he/she has the appropriate level of understanding);
- his/her parents/carers;
- school staff and other adults working in the school on a need to know basis;
- other professionals involved with the child.

The BMP and, where required, the PHP will be agreed by parents/carers and evaluated termly. A completed (example) risk assessment or Behaviour Management Plan template is given at: <https://www.kymallanhsc.co.uk/document/downloadaddocument/7047> with a Blank BMP given at: <https://www.kymallanhsc.co.uk/document/downloadaddocument/7048>. This Behaviour Management Plan incorporates, where required, the individual's Positive Handling Plan. The BMP must be signed and dated by the assessor. Alternatively, blank copies of all three parts of the BMP can be downloaded from the KAHSC website [www.kymallanhsc.co.uk](http://www.kymallanhsc.co.uk).

## **How to complete a Risk Assessment/Behaviour Management Plan (BMP)**

### **Part A**

Part A of the BMP is a list of the benefits and drawbacks relating to all the possible options which could be considered as control measures for dealing with the behaviour of an individual pupil. This Part of the Plan is not generally seen by parents or others but is merely a brainstorming tool devised by school staff in order that the most appropriate options can be chosen for a particular pupil. It also provides evidence of the options which have been properly considered as control measures even though some of them may not be appropriate or used for a particular pupil.

Some school staff have used this form as a template for the BMP for all pupils and have extensive options on Form A which they then use to choose the most appropriate option for inclusion in Part B.

### **Part B**

Part B of the BMP is the Management Plan or Risk Assessment for an individual pupil. The sections correspond with those on Form A but schools will complete the sections with the options and control measures taken from those considered in Part A. Some or all of the options will be used to complete Part B. Once this form has been completed, schools should ensure that it is agreed by the parents (and, where appropriate, the pupil him/herself) and other parties involved in the education of the individual pupil.

It is important that any additional control measures identified are discussed with the school designated SENCO, Special Needs Service, Learning Support Service and/or other organisations, so that assistance can be given to ensuring that all reasonable control measures are in place for the individual pupil. The additional control measures required may also be in the form of issues relating to the school environment i.e. alterations to the building.

Part B of the BMP will then form part of the overall IEP for the pupil concerned and will be subject to the general annual review process, although earlier review may be necessary.

### **Part C**

Part C of the BMP is completed **only** when staff have received training in positive handling techniques (currently Team Teach) and will include the preferred handling techniques to be used in the event of a serious escalation of challenging behaviour and when all other methods of control e.g. de-escalation have failed.

## 12. Power to Search Pupils

### Without Consent

The school follows Government advice when using the powers to confiscate items from pupils which is outlined in their document “Screening, Searching and Confiscation – Advice for Head teachers, Staff and Governing Bodies – February 2014.

Head teachers, and staff authorised by them, have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a ‘prohibited item’. The following items are what are termed ‘Prohibited Items’ and their presence on school premises or if found on an individual pupil will lead to the highest sanctions and consequences:

- Knives
- Firearms/weapons
- Illegal drugs
- Alcohol
- Fireworks
- Tobacco and cigarette papers
- Pornographic images (including those found on mobile devices)
- Stolen items
- **Any article** that the member of staff (or other authorised person) reasonably suspects has been, or is likely to be, used:
  - i) to commit an offence,
  - ii) to cause personal injury to, or damage to the property of, any person (including the pupil)

Pupils found with tobacco and/or cigarette papers will have these confiscated and destroyed whether they are found to be smoking or not. They will also be issued with a sanction for bringing tobacco on to school premises. Pupils will also receive sanctions for smoking near the school and on their way to and from school.

Where items are ‘prohibited’ as outlined above, these will not be returned to pupils and will be disposed of by the school according to the DfE advice and statutory guidance ‘Screening, Searching and Confiscation – Advice for Head teachers, staff and Governing Bodies’. Pupils must not bring any of the items listed above on to school premises. The school will automatically confiscate any of the ‘prohibited’ items and staff have the power to search pupils **without** their consent for such items. There will be severe penalties for pupils found to have ‘prohibited’ items in school. In certain circumstances this may lead to permanent exclusion. Further information on this issue can be found in our Whole School Behaviour Policy.

Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force **cannot** be used to search for other items which are banned under the school rules.

School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline.

### With Consent

Staff have the power to search pupils **with their consent** for prohibited items and any item banned under the school rules. This includes searching lockers and bags. A condition of having a locker in this school is that it may be searched where there is a suspicion that prohibited or banned items are being held within it and reasonable grounds for the search have been established.

- We are not required to have formal written consent from the pupil for this sort of search – it is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree.
- It is clear in our Whole School Behaviour Policy and in communications to parents and pupils what items are banned.
- If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher can apply an appropriate punishment as set out in the Whole School Behaviour Policy.
- A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, we can apply an appropriate disciplinary penalty in line with our Whole School Behaviour Policy.

The following are items which are banned by the school under the school rules:

- *Mobile phones used in class*
- *MP3 players or similar used in class*
- *Lighters or matches*

The school will confiscate any electronic items being used inappropriately on the premises such as mobile phones, MP3 players etc. Pupils are allowed to bring these to school on the understanding that they are kept in the school office during lesson time.

Staff in this school have the right to confiscate, search and ultimately delete any media which they “reasonably suspect” is being used to bully or otherwise cause an individual harm.

Pupils wearing any accessories or jewellery which do not follow the school uniform policy can expect to have these items confiscated. Any confiscated items will be logged and made available for collection at the end of the school day. Where a pupil repeatedly flouts the rules, they may be asked to hand in items at the beginning of each day to reduce unnecessary time wasting for teachers. For repeated offences of this nature, parents will be asked to collect confiscated items. Where items are not collected, the school will dispose of them at the end of each term.

### **13. Staff Training**

All members of staff will receive training about the use of reasonable force appropriate to their role to enable them to carry out their responsibilities. This will include training on any restraint techniques which must not be used because they are known to present an unacceptable risk when used on children and young people. Some staff will receive additional training on the appropriate techniques which may be used to physically restrain pupils. The training will be to an approved nationally acceptable level and will be regularly refreshed.

All staff and volunteers receive induction training in positive behaviour management and the range of intervention techniques before being required to work with any children who present challenging behaviours. They are introduced to individual BMP's.

On-going training in Positive Handling techniques is provided for relevant staff when required i.e. Team Teach. Team Teach provides training in positive handling strategies (with an emphasis on de-escalation, but including physical restraint) to better support those who display challenging behaviour. It takes a whole setting holistic approach to behaviour management.

In Cumbria, Team Teach training is available from Learning Support Services, Tel: 01900 706083.

Once the Behaviour Management Plan and control measures have been agreed and communicated to those who work with and support the pupil, consideration should be given to the ability of staff to implement the measures. Successful implementation will be dependent upon staff competence and expertise. It is important to determine what level of training may be required and by whom.

Where it is apparent that there are staff with significant training needs, implementation of the control measures required will be modified until the relevant training has been provided. In some circumstances, staff training may well be required as a matter of urgency so that

implementation can take place without delay. We will also ensure that there are more individuals trained in positive handling techniques in the school than are generally required in order that absences can be covered.

Early discussions with receiving schools will take place as a pupil moves through the educational system so that accommodation needs, resources and training in particular control measures and strategies can be anticipated and undertaken prior to transfer.

#### **14. Medicines**

In certain situations, the use of medicine e.g. Ritalin, may be indicated as a method of managing extreme behaviour. Medicines must only be administered upon medical advice and must only be used as a routine method of managing difficult behaviour where it is prescribed by a qualified medical practitioner and where it is included within an Individual Healthcare Plan. The school Supporting Pupils with Medical Conditions Policy and procedures give further information on supporting pupils with medical conditions including the administration of medicine and the use of individual health care plans and must be adhered to.

If medicine is used in order to reduce or control risks, the details should be recorded in the Behaviour Management Plan. Discussions with parents or those with parental control will ensure that any medicine is administered at the correct time (both during and out of school hours) and will reduce the risk of medicine 'wearing off' before the subsequent prescribed administration time.

#### **15. Information to Parents**

In accordance with current good practice, the school will speak to parents about serious incidents involving the use of force and will record such serious incidents. In the case of a 'Child Looked After', the Local Authority will also be informed.

**Exception:** if it is likely that reporting an incident to a parent will result in significant harm to the pupil then the school will follow its Child Protection Procedures and contact Cumbria Safeguarding Hub for advice (Tel: 0333 240 1727). This may be because a child is chastised inappropriately and/or excessively. There may be other safeguarding reasons.

In making a decision about informing parents, the following will be taken into account:

- the pupil's behaviour and level of risk presented at the time of the incident;
- the degree of force used;
- the effect on the pupil or member of staff concerned; and
- the child's age.

All incidents when 'physical restraint' as opposed to 'physical control' is used will be recorded as soon as possible and details passed on to the Head teacher (or deputy in the absence of the Head teacher) who will follow up the incident where necessary. The following must be recorded:

- all incidents where unreasonable use of force is used;
- any incident where substantial force has been used e.g. physically pushing a pupil out of a room;
- use of restraint;
- an incident where a pupil is clearly distressed though clearly not overreacting.

The following criteria will be used when considering the need for recording:

- Did the incident cause injury or distress to a member of staff or pupil?
- Even though there was no apparent injury or distress, was the incident sufficiently serious in its own right? Any use of restrictive holds, for example, fall into this category.
- Did the incident justify force? This is particularly relevant where the judgement is finely balanced.
- Does recording it help to identify and analyse patterns of pupil behaviour?

If the answer to any of the questions is 'yes', a written record should be made using the bound Record of Physical Intervention book (blue) and all other notes taken at the time are to be kept.

In all instances of the use of physical restraint, parents/carers will be informed the same day, by phone and in writing, and invited into the school to discuss the incident unless to do so would result in significant harm to the pupil, in which case, the incident will be reported to the Social Care Team at the Local Authority.

A report to the parents/carers will be made by a member of the Senior Management Team. Parents will generally be contacted by telephone in the first instance. Information will include the following information:

- When and where the incident took place.
- Why it was decided that force had to be used.
- The strategies used to try to avoid having to use force.
- What force was used.
- Whether there were any injuries.
- What follow up action (support and/or disciplinary) is being undertaken in respect of their child.

Ordinarily, the names of those involved in the incident will not be disclosed to the parent/carer. A standard follow-up letter will be sent with a copy of this policy. A sample Letter to Parents/carers can be found at:

<https://www.kymallanhsc.co.uk/document/downloadaddocument/8940>.

All injuries will be reported and recorded in accordance with school procedures.

## **16. After the Incident**

- The school will follow its standard procedure of investigating/evaluation of the incident, including seeking first aid or ambulance support as appropriate for all parties and reporting relevant injuries as appropriate.
- The staff member involved will have the opportunity to discuss, reflect on and learn from this incident with the support of a senior member of staff and will be offered further support to deal with any emotional stress or loss of confidence should they wish.
- Students involved in the incident as witnesses will be offered reassurance.
- All parties, including witnesses (where appropriate), will be asked to write a report on the incident.
- Members of staff involved may wish to report the matter to the police and may wish to seek the advice and support of their trade union representative.

If the reason for the incident was the pupil's behaviour, then sanctions, including exclusion, will be considered in line with the Whole School Behaviour Policy. Pupils will also be encouraged to repair any relationships that have been damaged.

## **17. Police Involvement**

There may be rare occasions when school staff feel that they require the support of the Police. This will depend on the seriousness of the circumstances and will be determined by the Head teacher or nominated person.

Generally the arrest of pupils on school premises should be avoided unless the circumstances dictate otherwise. If it proves necessary to arrest a pupil on school premises, the police should where possible seek the cooperation of the school to enable the arrest to be made discreetly. For example, authorised school staff may be able to isolate the pupil from others before police make the arrest.

Exclusion is a matter for Head teachers and each case should be judged on its respective merits. Where immediate arrest is necessary the local Police Station should be contacted for Officers to attend the school.

## **18. Complaints and Allegations**

- All complaints about the use of force will be thoroughly, speedily and appropriately investigated.

- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is **not** for the member of staff to show that he/she has acted reasonably.
- Suspension will not be an automatic response when a member of staff has been accused of using excessive force (refer to “Keeping Children Safe in Education” September 2016) where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.
- We will consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- If a decision is taken to suspend a teacher, we will ensure that the teacher has access to a named contact who can provide support.
- Our Governing Body will always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.
- We have a duty of care towards our employees. We will provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.
- If a specific allegation is made against a member of staff as a result of an incident in which force has been used, we will follow our Managing Allegations against Staff procedures found in the school Child Protection Policy and advice on the Cumbria SCB website ([Click here to access](#)).

Any other complaint will be dealt with in accordance with the School’s Complaints Procedures.

A sample Complaint Form can be found at:

<https://www.kymallanhsc.co.uk/document/downloadaddocument/8941>.