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# Gilwern

## Primary School



### USE OF REASONABLE FORCE POLICY



## **Nurture, Empower, Achieve**

### **School Vision**

- Gilwern School creates a happy, secure and stimulating environment, where learners are encouraged to reach their full potential.
- The school works effectively with others and plays a central role in the community.
- All staff are committed to continuous improvement and achievement of high standards.

### **We are a Rights Respecting School**

In 1991 our Government signed up to the United Nations Convention on the Rights of the Child (UNCRC). In signing the Convention, the 54 articles laid down have become enshrined in UK law. The Convention applies to everyone.

At Gilwern Primary School we aim to work within the spirit as well as the letter of the Convention and our school policies and home-school agreement is based around these rights and responsibilities. At Gilwern Primary School we work together so that the rights of the child are ensured and their responsibilities are clear.



## **Gilwern Primary School**

### **Guidance on the use of reasonable force for pupils presenting with challenging behaviour.**

#### Introduction

The guidance is intended to provide clear, practical advice for schools on drawing up policies on the use of reasonable force for pupils presenting with challenging behaviour. The guidance is intended for mainstream schools with such pupils, resourced provision attached to mainstream schools, the Local Authority's Special School and Pupil Referral Service.

These guidelines have been produced to assist professionals working in these services to respond appropriately in situations where the management of pupil behaviour may require the use of passive, active or restrictive physical interventions. The guidelines for model policies are designed to provide a framework on which policies might be based and highlight some questions and issues to be explored or clarified. There might be other questions and considerations according to local circumstances.

Assessing and managing risk is central to the process of deciding whether to use passive, active or restrictive physical intervention approaches and ensuring that it is both reasonable and proportional to the circumstances. Where it is known that a pupil is likely to present with challenging behaviour on an on-going basis, it is recommended that a formal risk assessment is developed which will assist staff in judging the benefits and risks of any proposed intervention for staff, the pupil concerned and others.

#### **Model Policy Guidelines for Schools**

These guidelines are designed to help schools to draw up policies covering the use of passive, active and restrictive physical intervention approaches with pupils presenting with challenging behaviour difficulties. A policy on the use of reasonable force should be an integral but discrete element of the school's wider behaviour management policy. It is recommended that a policy on the "Use of Reasonable Force" should be organised into sections covering the following:

- introduction;
- school expectations;
- positive behaviour management;
- risk assessment and planning for potential use of restrictive physical interventions;
- use of restrictive physical interventions in unforeseen and emergency situations;

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- post-incident support;
- reporting and recording use of restrictive physical interventions;
- monitoring use of restrictive physical interventions;
- responding to complaints; and
- staff training.

### **Introduction**

In all educational settings in Monmouthshire, there may be children who on occasion present with challenging behaviour difficulties that may necessitate the use of passive, active or restrictive physical interventions to prevent injury, damage to property, or the breakdown of discipline. Section 93 of the Education and Inspections Act 2006 clarifies the position about use of restrictive physical interventions by teachers and others authorised by the head teacher to control or restrain pupils. Any use of force by teachers or authorised staff must be consistent with the school's behaviour policy and their policy on the use of reasonable force.

### **School expectations**

The use of restrictive physical interventions should always be considered within the wider context of other measures. These include establishing and maintaining good relationships with children and using diversion, diffusion and negotiation to respond to difficult situations. Use of physical force that is unwarranted, excessive or punitive is not acceptable. Failure to comply with this principle, when considering or using physical force, should be dealt with under the school's disciplinary procedures.

Issues that schools may wish to clarify:

- Which staff other than teachers will be authorised to use restrictive physical interventions?
- By what process will staff be selected and authorised to use restrictive physical interventions?
- In what situations would the school consider it appropriate for teachers and other authorised school staff to use restrictive physical interventions?
- What kinds of actions would be viewed as using reasonable physical intervention in your school?
- What kind of actions involving use of physical intervention would be viewed as unwarranted, excessive or punitive in your school; e.g. use of seclusion?
- What course of action will be taken in the event of staff failing to comply with this policy?

### **Positive behaviour management**

All staff should adopt a positive approach to improving whole school behaviour in order to reward pupils' effort and application, and to build pupils' self-esteem. In response to issues where pupils are displaying more challenging behaviour that may require the consideration of the use of reasonable force, the school will work in partnership with those staff and agencies who know the child to help those concerned in order to:



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

This approach will help to ensure that early and preventative interventions are developed. It should reduce the incidences of challenging behaviour and minimise the occasions when the use of passive, active and restrictive physical interventions are required

School staff should refer to the school's behaviour policy when developing and implementing individual pupil specific behaviour management plans. All individual pupil behaviour management plans should be formally agreed and ratified with parents/carers and other agencies before implementing them in school. These plans should be formally recorded in accordance with school procedures and set out the actions required to:

- meet pupil needs;
- encourage the pupil to make positive choices and develop self-control;
- support the pupil in difficult situations; and
- safely manage crises if and when they occur.

All staff should be aware of the distinction between physical contact or touch, used appropriately in everyday situations to support, encourage, guide or comfort a pupil, and the use of force to restrict movement or to disengage from pupils whose behaviour presents a clear risk of injury.

### **Risk assessment and planning for use of restrictive physical interventions**

There are some pupils who behave in ways that make it necessary to consider the use of restrictive physical intervention as part of an agreed behaviour management plan.

All identified behaviours necessitating the planned use of physical intervention should be risk assessed. The resulting risk management strategy must be compatible with a positive behaviour management approach.

Issues for schools to clarify

- How will the school involve parents and others who know the pupil in the process of developing behaviour management plans?
- What process is to be used to agree and ratify behaviour management plans for use in school?
- How are behaviour management plans to be recorded?

The Local Authority's preferred training approach in this area is Team Teach which is recognised by BILD. If any school within Monmouthshire wishes to use another training approach, the Local Authority would advise that the Head Teacher ensures that their preferred approach also complies with BILD protocols. (Further advice and guidance is available from [www.Bild.org.uk](http://www.Bild.org.uk)). BILD accreditation encompasses the following processes:-



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- An audit of physical techniques
- An audit of office administration processes
- Directors of training companies answering questions before a board of professionals in relation to their training approach

Any proposed use of techniques should be agreed in partnership with the pupil, his/her parents (or those with parental responsibility) and other statutory agencies involved with the family/pupil. This is especially the case when children are looked after by the Local Authority, in respite care, or cared for by others with legal responsibility. If there are also pupils who have Additional Educational Needs who require a planned response, health professionals may need to be involved in order to ensure that any proposed techniques are appropriate to the individual- this would be especially true in relation to any pupils who have medical issues which could be compounded by any potential use of reasonable force.

Any planned intervention must be clearly shown to be in keeping with the individual pupil's risk assessment and any agreed behaviour management plan. An agreed record of planned interventions should be properly documented within school records.

Issues for schools to clarify

- For what kinds of behaviour would the school view it necessary to consider planned use of physical intervention?
- What action does the school intend to take to assess and manage the risks?
- What steps does the school take to ensure that all staff coming into contact with pupils who may represent a risk has necessary information on the pupil concerned?
- How will the school ensure that planned use of physical intervention is compatible with a positive approach to improving behaviour and in keeping with the pupil's statement and any developed pastoral support plan?
- What action will the school take to assess techniques and methods for implementing planned use of physical intervention?
- Who will the school work in partnership with to agree the techniques and methods to be used to implement any planned use of physical intervention?
- What process is in place for the school to refer disputes or concerns to a Local Authority Officer?
- What action will the school take to support staff who may need to use restrictive physical interventions in unforeseen and emergency situations

Schools should acknowledge that, on occasion, staff may find themselves in unforeseen or emergency situations when they have no option but to use reasonable force to manage a crisis. It is recommended that:

- Before using force - staff attempt to use diversion or diffusion to manage the situation



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- Before deciding to use force- staff make a dynamic risk assessment to ascertain whether it is safe for them to intervene
- When using force - staff must use techniques and methods in which they have been trained, certificated, familiar, confident and are permitted by the school; and
- When using force in exceptional circumstances (where permitted techniques are ineffective or staff are unfamiliar with the action they should take) – staff manage the situation as best they can to comply with Section 93 of the Education and Inspection Act 2006.

### Issues for schools to clarify

- What kinds of unforeseen or emergency situations might staff find themselves in within your school?
- What techniques and methods for implementing use of physical force to control or restrain pupils will be acknowledged as suitable for use in typical emergencies?
- What actions are staff required to take to report and record use of physical force in unforeseen and emergency situations?
- Who will provide staff and pupils with support after incidents?
- Who will check for injuries, provide first aid and arrange for medical aid?
- Who will ensure that injuries are reported in line with the Local Authority policy for incidents and accident?

Staff should always report and record any use of physical force that occurs in unforeseen or emergency situations using school procedures.

### **Post-incident support**

Incidents that require use of restrictive physical interventions can be upsetting to all concerned and may result in injuries to the pupil or staff. Basic first aid treatment for any injuries should be provided and after incidents have subsided it is important to ensure that staff and pupils involved are given emotional support and. Immediate action should, of course, be taken to ensure that medical help is accessed for any injuries that require other than basic first aid. All injuries to staff and pupils should be reported and recorded in accordance with school procedures.

### **Reporting and recording use of restrictive physical interventions**

After incidents in which physical intervention is used, staff should report and record the matter in accordance with school procedures. All incidents requiring the use of physical intervention should be thoroughly and systematically documented within a bound and numbered book. The school should take action to ensure that parents and the Local Authority are informed about these incidents. The Local Authority would

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strongly advise that parents are notified on the day of the incident as are any other professionals and statutory agencies involved with the family/pupil.

Issues for schools to address:

How are incidents to be reported and recorded?

What action will the school take to inform parents and the Local Authority about incidents?

### **Monitoring use of restrictive physical interventions**

Use of physical intervention in school should be monitored in order to help staff learn from experience, promote the well-being of pupils in their care, and provide a basis for appropriate support. The lessons learned may provide a strategy for avoiding the use of physical intervention if similar incidents recur. Monitoring can help schools to determine what specialist help is needed for children and to assess the appropriateness of the pupil's placement at the school. Information on trends and emerging problems should be shared within the school using local procedures.

Monitoring information should be reported on a regular basis to school governors.

How will you monitor and evaluate the use of physical intervention?

How will incident monitoring inform risk assessment and management?

### **Responding to complaints**

The use of restrictive physical intervention can lead to allegations of inappropriate or excessive use. In the event of a complaint being received by a school in relation to use of force by staff, the matter should be referred via a Child Protection Referral in line with existing processes.

### **Staff training**

Training in the Local Authority's preferred training approach is available and schools are able to commission this training. This holistic training will build upon positive behaviour management approaches that should be established in the school. Staff involved in implementing planned use of physical intervention, as part of a holistic behaviour management strategy within the school, should be provided with training in the range of intervention techniques they are expected to use in their day-to-day work. On successful completion of training, staff should be expected to practice their skills and periodically attend updates.

How will you choose training for your school and what is the training to include?

How will staff be assessed and updated?

### **Assessing and Managing Risks for Children Who Present Challenging Behaviours**

The risk assessment and management pro-forma currently in use by the Local Authority have been designed to help teachers, learning support assistants and other adults working in schools. It may be equally applicable to Monmouthshire's Special Schools and PRS, to improve practice in relation to the assessment and management of risk posed by pupils with severely challenging behaviour. The risk may be to the pupils themselves, other pupils, teachers, other staff, other adults or property.





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What is meant by "risk" and "risk assessment"?

The term "risk" refers to any circumstances which could lead to adverse outcomes for the pupil or others. Risks may arise in relation to a number of factors, such as the health care and social support arrangements for the pupil; interactions between the pupil and his or her environment; the direct impact of behaviour(s) presented by the pupil; measures and interventions employed to reduce, limit or manage the risks presented to the pupil and others. Risk assessment and management is a process that helps staff and others to consider risk issues, to act reasonably, and to learn from what happens in everyday practice. In the main, risk assessment and management involves:

- Using what is known, in the light of experience, to make rational judgements about risk issues;
- Weighing up options and taking reasonable risks;
- Taking action to implement a range of approaches to support and safeguard pupils;
- Limiting the level of inherent risk to which pupils and others are exposed and evaluate the new level if inherent risk
- Taking calculated risks to broaden the pupil's experience and maximise his or her individual potential;
- Avoiding unreasonable risks for this pupil and others; and
- Ensuring that strategies used to respond to challenging behaviour are reasonable, and proportionate to the risks presented by the behaviour.

Using a structured approach to risk assessment and management will help staff to make decisions about what can reasonably be done to reduce risks. Risks can never be eliminated, but can be reduced, hence it is vital that schools evaluate the revised level of risk after implementing their risk reduction processes to ascertain whether the impact reduces the risk to an acceptable level. At the same time it will help prepare them for times when things go wrong. Challenging behaviours are often foreseeable, even though it may be difficult to predict exactly when they will occur or the degree of challenge they will pose. As a general rule, schools should:

- Explore why pupils behave in ways that pose a risk;
- Try to understand the factors that influence the behaviour;
- Recognise the early warning signs that indicate that the pupil's behaviour is beginning to emerge, and

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- Develop the skills to manage difficult situations competently and sensitively. The measures agreed for managing identified risks should be set out in an agreed behaviour management plan for the individual pupil.

Risk assessment and management can also be used in emergency situations when unforeseen risks occur. Risk assessment involves a consideration of potential and actual risk. Key steps are:

Assessing the context for risk - trying to predict the situations in which risks do/may occur. For example, situations where pupils might feel frustrated, pupils being near open roads, on transport or in crowded places;

Assessing probability - trying to estimate how likely it is that the risk situation will occur and whether any injury or harm is very likely to occur, likely to occur, or unlikely to occur; and

Assessing seriousness - trying to gauge the kind of injury and harm that could result. For example: choking, bruises, bleeding, sprains, broken bones, stress, burnout, panic attacks, nervous breakdowns and post traumatic stress disorder.

Evaluating revised level of risk - in this part, it is assumed that the school will apply the risk assessment and management pro-forma. For some pupils, it will be appropriate for the LA to conduct the initial assessment, followed by updating by the school.

When assessed, all risks should be recorded in accordance with relevant requirements such as Local Authority or school policies.

### Exploring risk reduction options

Risk reduction involves an examination of risk management options and consideration of the benefits and drawbacks of each option for the child, staff and others concerned. After weighing up the options available, some may be discarded as unsuitable. This will usually be because they have insufficient impact on the risk or have too many drawbacks. A record should be kept of risk reduction options examined and discounted as well as those adopted for each pupil. Risk reduction should include:

- Proactive measures to support the pupil effectively and prevent difficulties emerging;
- Early interventions to help the pupil in difficult situations and avert problems; and
- Planned measures to manage the pupil and others safely, when unavoidable difficulties arise.
- In circumstances where there are concerns that the risk reduction options being considered may themselves give rise to risk to the pupil or others, it would be prudent for schools to seek advice from other bodies. These may include:



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- Local Safeguarding Children Board (LSCB) for concerns in relation to children;
- Health and Safety Officer for concerns in relation to school staff and others;
- Medical advisers;
- Local Authority Officers or Social Housing Service Officers.
- Legal advisers;

### **Deciding risk management measures**

The measures selected to prevent risks occurring, manage risks that arise and respond to potential injuries and harm that occur should be based upon a full appraisal of all the risk management options. In agreeing the risk management strategy, it is important to be explicit about inherent risks that continue to exist, even when the strategy is fully implemented; risks that can be reduced by implementing the strategy; and the risks that can be prevented by implementing the strategy, and any risks inherent in the strategy.

The agreed risk management measures should form the basis of the pupil's behaviour management plan and the school's risk management strategy. All decisions made about risk management options should be recorded in accordance with school procedures. When selecting risk management procedures for the pupil's behaviour management plan and the school risk management strategy, schools should involve parents, or those with parental responsibility. Both sides benefit from such an approach; parents can examine measures for supporting their pupil within a broader context, while schools find out things that might otherwise be overlooked.

Professionals from other agencies should also be consulted in the process of deciding the best options to eliminate, reduce or limit the risk, without placing unreasonable restrictions on the child, children, school staff or others, or putting others at unreasonable risk. Accommodation and resources will influence the strategy employed. In the event that there are disputes or concerns about the measures employed, it would be prudent for schools to seek advice from the people or bodies listed in the preceding section.

Sharing and communicating an agreed approach

Once agreed, the behaviour management plan, risk management strategy and positive handling plan should be shared with all those responsible for implementing or monitoring the impact of the plan. This is important as it will help to ensure those concerned know how pupils are to be supported and why, which behaviours are to be managed and how they are to be managed; and which risk reduction measures are to be employed and when. The risk management strategy can be shared through discussion groups, meetings and circulating information. Those who should be informed include:

- the pupil;
- his/her parents or those with parental responsibility;
- members of the teaching team and other school staff; and
- other professionals involved with the pupil, child protection teams and other agencies. Schools should keep a record of those informed about the strategy.

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## Staff training

Once the plan and risk management strategy have been shared with those who work with and support the pupil, consideration should be given to the ability of staff to implement the strategy. In particular, steps should be taken to determine what training may be required prior to implementation. This is key, because successful implementation will be dependent on staff competence and expertise. School records should show training needs identified as a result of the strategy and how training was provided to enable staff to implement it. Where it is apparent that there are staff with significant training needs, implementation of the risk management strategy should be modified until relevant staff training has been provided. In some instances, staff training will be required as a matter of urgency so that implementation can take place without delay.

It is the responsibility of the school to ensure that records of training are kept and that staff training is refreshed within the recommended timescales.

In addition, the Local Authority Officer responsible for over-seeing the training will also keep a record of all staff who have received training in the Team Teach approach. Schools will need to ensure that staff are trained and that any refresher training required is arranged with sufficient notice so as not to leave staff without current certification.

## Evaluating impact and effectiveness

Along with other aspects of their approach to restrictive physical intervention, schools should regularly review risk assessment and management measures. All evaluations of plans and strategies should be reported using school procedures and recorded in school records. These will make an important contribution to informing future planning and improving day-to-day practice.

Signature Headteacher.....

Date.....

Signature Chair of Governors.....

Date.....

