

# **Safe Intervention Policy**

Ysgol Llanbedrog



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*Guidelines regarding the use of reasonable force and searching for weapons in School*  
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## 1. Introduction

These guidelines emphasise two powers that are available to schools to assist them to manage behaviour. These powers were introduced in October 2010 and are as follows:

- Section 1: Use of Force to Control or Restrain Pupils (included in Section 93 of the Education and Inspections Act 2006, which superseded Section 550A of the Education Act 1996). The guidelines supersede the previous guidelines in Welsh Office Circular 37/98.
- Section 2: Screening and Searching Pupils for Weapons (the new powers included in Section 45 of the Violent Crime Reduction Act 2006)

This document was written in the aim of being consistent with Gwynedd Council's other statements. The intention is to ensure that every school and other educational setting provides a safe working environment for young people, staff and visitors and promotes good behaviour and positive relationships.

Staff should be aware that their employment includes a duty of care in order to maintain an acceptable level of safety for every pupil at the school.

Although the majority of pupils behave appropriately and that the majority of schools are disciplined and are productive learning settings, Gwynedd Council's Education Department, and in accordance with Welsh Government guidance, wish to support teachers and other school staff to deal effectively with inappropriate and troublesome behaviour, whilst at the same time reduce the disruptive impact of the behaviour on other pupils, and consequently on their opportunities in life.

Rather than increase the number of punishments that can be used for pupils, the intention of the Government's legislative changes was to ensure more clarity on what schools can do to promote positive behaviour and promote more consistency as they are applied across Wales. This in turn will safeguard the rights of children and young people to be treated consistently and fairly.

Staff will be aware of the sensitive matters related to any type of physical contact with pupils. The guidelines also offer advice on physical contact apart from the use of direct force.

The guidelines should be considered in the broader context of the Assembly Government's Framework for Policies and Practices relating to Restrictive Physical Intervention.

These guidelines should be considered within the pupil inclusion and support framework noted in Welsh Government Circular 47/06. It should also be considered alongside the general series of guidance on these aspects, including guidance on exclusions, addressing bullying and the SEN Code of Practice.

## 2. What the law says

The guidelines should help schools to understand what the law means to them in a practical sense, and advise them on good practice. The law and these guidelines serve to safeguard staff and pupils, prevent damage or serious disruption and reduce the likelihood that actions taken by staff will be successfully challenged in the courts. Therefore, schools are strongly advised to follow the guidelines but they should not be treated as a comprehensive or authoritarian statement of the law. **Interpreting the law is a matter for the courts.**

There is no legal definition of when it is reasonable to use force. That will always depend on the specific circumstances of individual cases. **So that it is considered legal, the force would have to be commensurate to the outcome it is attempting to avoid.** The degree of the force should be at the lowest level required in order to achieve the desired outcome. It would not be possible to justify the use of force to prevent trivial misbehaviour. For example, it is possible that running in a busy corridor where young children are present and where there is a genuine risk that they will be pushed against walls or down a flight of stairs will be deemed serious enough for it not to be considered as a trivial occurrence.

*Section 93 of the Education and Inspections Act 2006 superseded Section 550A of the Education Act 1996 and enables school staff to use force that is reasonable under the circumstances in order to prevent a pupil from doing, or continuing to do, any of the following:*

- - commit any crime (or, to a pupil below the age of criminal responsibility, what would constitute a crime to an older pupil);*
- cause a personal injury to any person (including the pupil him/herself), or damage to their property; or*
- endanger order and good discipline at the school or amongst any pupils educated at the school, either during a learning session or otherwise.*

*The staff to whom this power applies are defined in section 95 of the Act.*

*They are as follows:*

*- any teacher working at the school, and any other person authorised by the headteacher to manage or be responsible for pupils:*

- i. this includes assistance staff where their normal duties include supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors;*
- ii. it can also include people whom the headteacher has authorised temporarily to manage or be responsible for pupils such as employed members of staff where their post does not usually include supervising pupils (e.g. catering staff or staff associated with the property) and unpaid volunteers (e.g. parents who accompany pupils on visits arranged by the school); and*
- iii. it does not include officers.*

*Those who use the power to use force must also give appropriate consideration to any special educational need (SEN) and/or disability that a pupil could have. Under the Equality Act 2010, schools have key duties:*

- not to treat a disabled pupil less favourably, due to his/her disability, than a pupil without a disability;*
- not to treat a disabled pupil unfavourably, for a reason associated with his/her disability, without justification;*
- not to implement a provision, criterion, or practice that places, or would place, a disabled pupil at a disadvantage; and*
- take reasonable steps to avoid placing a disabled pupil at a substantial disadvantage compared to a pupil without a disability (referred to as reasonable adjustments).*

The statutory power granted by Section 93 of the Education and Inspections Act 2006 is an additional power to the powers granted by law to any citizen in an emergency to use reasonable force to protect themselves, prevent another person from being injured or to commit a crime. In terms of preventing injury or damage to property, the statutory power is similar to the power of the law, except that it is only available to people who have been authorised to manage or be responsible for pupils.

In terms of preventing other types of crimes, Section 93 provides an all important explanation. It is not at all clear whether all types of behaviours that endanger school discipline are also crimes and the majority of primary pupils are under the age of criminal responsibility. Therefore, Section 93 clearly states that authorised staff can use force to prevent behaviour that endangers the work of maintaining discipline at the school, whether or not that behaviour is also considered a crime.

Reasonable force can also be used when exercising the statutory power, introduced under Section 45 of the Violent Crime Reduction Act 2006, to search pupils for weapons without their permission. This searching power would apply to headteachers and authorised staff, when they have valid reasons to suspect that a pupil is armed. The person carrying out the search and/or the second person required to be present during a search, could use reasonable force. However, Welsh Government strongly advises schools not to search pupils when resistance is expected, and that they should rather call the police.

**It is always illegal to use force as a punishment.** The reason for this is because it would be included within the definition of a physical punishment, that was revoked under Section 548 of the Education Act 1996.

Even when the situation is well controlled, the teacher/authorised member of staff could be alleged of false imprisonment, attacking or beating the child.

### 3. Principles

3.1 Gwynedd Education Authority does not support the use of unreasonable force with pupils and it acknowledges the spirit of the United Nations' Convention on the rights of the Child, specifically Article 19 which states the need for all appropriate steps to be taken to protect the child from all forms of physical violence, however, safe physical intervention by staff is supported in special circumstances.

3.2 Every member of school staff has a legal power to use reasonable force to prevent pupils from committing a crime, injuring themselves or others, or to damage property; and maintain order and good discipline amongst the pupils.

3.3 Focus should be placed on preventing, to the degree that this will be possible, the need to use force on pupils, and create a calm, disciplined and supportive environment at the school which reduces the risk and threat of violence of any kind. Force should only be **used as the last resort**, and schools should reduce the possibility of needing to use force. However, this may not always be possible and in such circumstances, staff will need to be aware of the sensitive matters associated with any type of physical contact with pupils.

3.4 Schools should never seek to prevent staff members from being able to use force by adopting a 'no contact' policy. The power to use force helps to ensure the safety of the pupils and the school and the risk associated with a no contact policy is that it could mean that a member of staff breaches his/her duty of care towards a pupil, or prevents them from acting in a way that is required to prevent a pupil from injuring others.

3.5 The purpose of Welsh Government's enactments on the use of force was to provide a clear and transparent power that enables staff to use reasonable force on pupils in specific circumstances, whilst safeguarding children and young people from physical violence, injury or abuse. This document provides guidelines on how the power should be exercised, in particular in order to:

- assist school staff to understand what the law means to them in a practical sense;
- safeguard pupils by reducing the risks that force can be used inappropriately; and
- provide advice on good practice.

3.6 Although the Education and Inspections Act 2006 refers specifically to force, this encompasses the various strategies, which includes a degree of physical force to prevent pupils from injuring themselves or others, causing damage to property or causing disorder. The range varies from holding a pupil's hand or arm to lead them to safety, to extreme circumstances where a pupil will need to be restrained in order to avoid violence or injury to themselves or to others.

### 4. Using Reasonable Force

4.1 In schools, force is generally used for two different purposes - to control pupils and to restrain them:

- Control could mean passive physical contact (e.g. standing in between pupils or preventing the path of a pupil), or active physical contact (e.g. holding a pupil's hand or arm to lead them or to guide a pupil away by placing their hand on the centre of their back).
- When members of staff use "restraint", they physically prevent a pupil from continuing to do what he/she was doing after you told them to stop. Restraint techniques are usually used in more extreme circumstances, when two pupils fight, for example, and physical intervention is required to separate them.

4.2 Staff will be aware of the sensitive matters associated with any type of physical contact with pupils. These guidelines also provide advice on physical contact apart from using direct force.

4.3 The guidelines should be considered in the broader context of the Assembly Government's Framework for Policies and Practices relating to Restrictive Physical Intervention.

4.4 The power can be used when the pupil (including a pupil from another school) is on school land or in another location under the control or legal care of the staff member (for example, during a school visit).

## **5. Reducing the likelihood of situations arising where the use of force could be required**

5.1 Although restrictive measures will not always work, there are a number of steps that schools can take to reduce the likelihood of situations arising where the power to use force could be required:

- Creating a calm, disciplined and supportive environment at the school which reduces the risk and threat of violence of any kind;
- Developing effective relationships between pupils and staff which is a central element of good discipline;
- Adopting an all-school attitude towards developing social and emotional skills.
- Using proactive strategies to develop positive behaviour management skills.
- encouraging staff to support each other during an incident and following an incident. Further guidance can be seen in the Guidelines on Inclusion and Pupil Support - Circular 47 / 2006;
- Managing individual incidents effectively. It is important to communicate with the pupil in a calm manner, using non-threatening language and body language, and ensuring that the pupil can see a way out of a situation. Strategies can include, for example, being ushered by staff members to a safer place, away from onlookers or other pupils.
- Where practical to do so, the pupil should be warned that force can be used, before force is utilised.

Every member of staff should use a positive method of improving behaviour in order to compel effort and perseverance, and in order to nurture self-esteem. The school should work in partnership with those who know the child in order to assist to;

- discover why this child is behaving in this way;
- understand the factors that influence this child's behaviour; and
- note early warning signs that shows that specific types of behaviour are developing.

5.2 This attitude will help to ensure that early intervention is the norm and reduces the instances of extreme behaviour and ensures that physical force will very rarely need to be used.

5.3 School staff should refer to the school's behaviour policy when developing and implementing behaviour management plans. Every behaviour management plan should be formally confirmed prior to being implemented at the school. Plans should be recorded formally in accordance with the school's procedures and a note should be made of the actions taken to:

- meet a pupil's needs;
- encourage the pupil to make positive choices and develop self-control;
- support the pupil in difficult circumstances; and
- control emergencies safely if and when they happen.



## 6. Pupils with additional learning needs and/or disabilities

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

- The ALN Coordinator or another designated member of staff and parents should be involved when developing the school's policy and practices on the use of force. This will help ensure that appropriate consideration is given to the needs of individual pupils with ALN and/or disabilities, including "vulnerable" pupils.
- Behaviour management plans should be developed for individual pupils who were assessed as being at a higher risk of requiring restrictive physical interventions in consultation with the pupil and his/her parents or carers. Behaviour management plans introduce the techniques that should be used and the ones that should not normally be used. Any potential use of physical intervention intended should comply with the pupil's statement / ILP and be recorded appropriately in the school's records.
- To the degree that it is practically possible to do so, staff who have contact with such pupils should be informed of the relevant characteristics of those individuals, in particular:
  - i. situations that could trigger difficult behaviour, restraining strategies and what restraint techniques are most likely to work when attempting to diffuse a situation;
  - ii. what is most likely to trigger a violent response, including relevant information on any previous incident where physical intervention had to be used; and
  - iii. if physical intervention is required, any specific strategies and techniques agreed upon with staff, the parents and the pupil in question.
- Information from parents could be as useful as the information held by the school. Some of this information could be sensitive. Schools should seek to ensure consent (written permission would be best) from the parent / carer so as to inform appropriate staff. However, if consent is unreasonably refused, it is possible that the information can be given to the staff who need to know for the benefit of the pupil in question. The importance of providing such a concept will be a factor in decisions regarding sharing information to parents who are volunteers and others who supervise pupils.
- Members of staff who are named in the support plan should be called upon should incidents associated with specific pupils occur. This does not necessarily mean that you should wait for them to arrive before taking action if urgent action is needed. However, they should always be included in the steps following incidents. Consideration should also be given to whether there are specific circumstances where staff will need to work in pairs to safeguard pupils and/or staff.
- It is good practice to educate pupils who are at risk how to communicate in emergencies and strategies to use in emergencies (such as personal communication passports and non-verbal signs that show the need to use a specific quiet area or calming area) and ensure that staff are aware of these strategies.

## 7 Deciding whether using force would be appropriate

7.1 The decision whether to use force or not and what force to use should always depend on the circumstances of each case and - all importantly in the case of ALN pupils and/or pupils with disabilities - information about the individual in question.

7.2 The decisions made regarding whether the exact circumstances of an incident justifies the use of substantial force should be reasonable. Normally, such decisions must be made quickly, without having much time to weigh up. Nevertheless, staff need to make the clearest possible decisions regarding:

- the seriousness of the incident, assessed by the impact of the injury, damage or disorder likely to happen if force would not be used. If there is a strong possibility of serious injury, damage or disorder, it is more likely that the use of force can be justified.
- the likelihood of achieving the desired outcome by other means.
- the relative risks associated with physical intervention compared with using other strategies. The least risks associated with physical intervention, it is more likely that the use of force can be justified.

### 7.3 Examples of situations

Some situations specifically call for decisions of this type, including:

- a pupil attacking a member of staff, or other pupil;
- pupils fighting, leading to a risk of injury to themselves or others;
- pupils causing, or about to cause, serious intentional damage to property that could lead to a substantial risk to him/herself or to others;

7.4 In these examples, it would be reasonable to use force (and therefore lawful) should it be apparent if it would not have been possible to deal with the situation realistically by any other means.

**A record of the incident should be made as soon as possible, when the incident is still easy to recall on the "Use of Reasonable Force" form, and send a copy to the authority and keep a copy in the pupil's safeguarding file.**

7.5 Wherever possible, these decisions should consider the unique characteristics of the pupil, including their age, their understanding and any ALN or disability that they could have. This could include the results of any risk assessment and, where appropriate, any specific strategies and techniques noted in the pupil's emergency avoidance form.

## 8. Using physical interventions

8.1 Schools should acknowledge that some pupils behave in ways that make it necessary to consider the use of physical intervention as part of a behaviour management plan. A formal risk assessment should be carried out on every type of behaviour that calls for the use of the physical intervention noted. The follow-up risk management strategy must be in-keeping with a formal behaviour management method.

8.2 You must be able to demonstrate clearly that any intervention is in-keeping with the pupil's statement / ILP and their individual education plan. This should also be recorded appropriately in the school's records. Every member of staff should be aware of the difference between physical contact or touch, being used appropriately in day-to-day situations to support, encourage, lead or console pupils and the use of force to restrict movement or to release from pupils where their behaviour presents a risk of injury.

8.3 The techniques and methods for controlling and restraining pupils must be assessed by using restrictive physical interventions to ensure that they are safe, suitable and appropriate to be used with the specific pupil. An agreement should be reached on them in partnership with the pupil, his/her parents (or those with parental responsibility) and other statutory agencies who work with the pupil. This is especially relevant when pupils are looked after by the local authority, who are in respite care, or who are looked after by others with a legal responsibility in order to ensure that there is a consistent approach to the use of physical intervention at school and outside school. If there is a dispute, or concerns regarding the methods being considered, agreement should be reached on a temporary school strategy and the matter should be referred to the LA. If required, a judgement can be made by an independent officer who has been named by the Local Safeguarding Children Boards.

## 9. Use of restrictive reasonable force in unforeseen situations and emergencies

9.1 Schools should acknowledge that members of staff can, sometimes, find themselves in unforeseen situations or emergencies where they have no choice but to use reasonable force to control an emergency. It is recommended:

- before using force - staff will attempt to distract or calm in order to control the situation;
- by using force - staff must use techniques and methods that they are familiar with, confident to use and approved by the school; and
- in exceptional circumstances (where approved techniques are ineffective or if staff are



unfamiliar with the steps they should take) - staff should control the situation to the best of their ability in compliance with Section 93 of the Education and Inspections Act 2006.

9.2 Staff should always report and record the use made of reasonable force which occurs in unforeseen situations or emergencies by using the school's procedures.

## 10. Assessing the Risk

10.1 Lead teams are advised to assess the frequency and seriousness of the incidents that call for use of force that are likely to happen at their schools. Historical patterns usually provide a good starting point. **These assessments will be a way to guide decisions regarding staff training.**

10.2 Staff who work in situations where it is likely that they will have to use physical restraint techniques, should consider whether their attire, jewellery and hairstyle contributes to the risk of injury to themselves or others.

10.3 A risk assessment includes considering the potential risk and the actual risk. The key steps are as follows:

- **assessing the context for risk** - attempting to anticipate the situations where a risk occurs or could occur. For example, situations when pupils feel frustrated, when pupils will be near open roads, in a vehicle or in crowded places;
- **assessing the likelihood** - attempting to estimate the likelihood that a situation of risk will exist and whether any injury or harm is very likely to happen, likely to happen, or unlikely to happen; and
- **assessing seriousness** - attempting to measure the type of injury and harm that could happen. For example: choking, wounds, bleeding, sprains, fractures, stress, exhaustion, panic attacks, nervous condition and post-traumatic stress.

In this section, it is assumed that the school will use the assessment and risk management proforma. For some pupils, it will be appropriate for the LA to carry out the initial assessment, and then the school will add to it.

10.4 When assessing risks, each one should be recorded in accordance with the relevant requirements, such as the policies of the Education Department or the school. If it is assumed that there are serious risks to the child or others, the school may need to use frameworks and formal risk assessment equipment, such as the HSE's "Five Steps to Risk Assessment".

## 11. Risk Assessments

Schools may also need to carry out individual risk assessments when it is known that the force is more likely to be necessary in order to restrain a specific pupil, such as a pupil where their ALN and/or disability is associated with extreme behaviour. A risk assessment is also essential for pupils where their ALN and/or disabilities are associated with:

- communication impairments that make them less responsive to verbal communication;
- physical disabilities and/or sensory impairment;
- conditions that make them vulnerable, such as haemophilia, brittle bone disease or epilepsy; or
- dependency on equipment such as wheelchairs, breathing or feeding tubes.
- using what is known, from experience, to make sensible decisions on risk matters;
- weigh up the options and take reasonable risks;
- take steps to implement various attitudes to support and safeguard children.

By working in this way, decisions can be made and actions can be taken to:

- reduce the risk of inherent risk that children and others are exposed to;
- take purposeful risks to expand the child's experience and realise his/her potential in full;
- avoid unreasonable risks to this child and others;
- ensure that the strategies used in response to challenging behaviour are reasonable, and commensurate to the risks presented by the behaviour.

- 11.1 In order for the restraint of a child or young person to diffuse the situation and **not** lead to further associated injury or an increase in violence, the following factors should be considered when evaluating the risks and when determining what techniques to use in any situation:
- age, comparative build and known medical conditions of the adult restrainer and the child/young person
  - the staff member's gender in comparison to that of the child/young person
  - the presence of a second (other adult) who can assist, supervise and participate in the restraining
  - the possibility of ensuring the presence of a second person (other adults)
  - glasses, learning aids, jewellery and attire worn by the child/young person
  - the restrainer's ability to use appropriate diction and tone of voice
  - location of the incident and the potential for the restraint to happen safely
  - information of the child/young person's previous experience of restraint, and their likely response
  - the presence of any weapons.

11.2 Using a structured method to assess and manage risk will assist staff to make decisions on what can reasonably be done to reduce risks. Similarly, it will help to prepare for times when things go awry.

11.3 Challenging behaviour can often be anticipated, although it can be difficult to anticipate exactly when this will happen or the degree of the challenge it will pose. In general, schools should:

- investigate why children behave in ways that present a risk;
- attempt to understand the factors that influence the behaviour;
- acknowledge the early warning signs that indicate that the child's behaviour is adding instability; and
- develop the skills to manage difficult situations competently and sensitively. The measures agreed upon to manage the risks noted in an agreed behaviour management plan for the individual child should be noted. Assessment and risk management methods should also be used in emergencies when unforeseen risks occur.

## **12. Situations when staff should not usually intervene without assistance**

An authorised member of staff should not intervene in an incident without assistance, unless it is an emergency. Schools should establish communication systems that enable a member of staff to call for urgent assistance when required. Help may be required to deal with a situation including an older pupil or a pupil who is physically stronger, a large pupil, more than one pupil or if the authorised member of staff believes that he/she could be at risk of injury. In these circumstances, steps should be taken to move other pupils who could be at risk and call for assistance from other authorised staff, or call the police if required.

In extreme circumstances, when there is an imminent risk of injury, a member of staff could need to act in a way that is consistent with the concept of reasonable force, e.g. to prevent a young pupil from running or stepping off a pavement onto a busy road, or to prevent a pupil from striking someone or throw an object.

Where it is necessary to use force, a member of staff should not, unless there is no alternative option, do so in a way where it is reasonably expected that he/she will cause injury.

**Members of staff should always avoid touching or holding a pupil in a way that could be deemed indecent. Staff's hands should be visible at all times.**

## **13. Recording Incidents of Reasonable Force**

13.1 School policies should note clearly that every incident where physical force was used by a member of staff will be recorded and evaluated carefully.

13.2 Schools are strongly advised to keep systematic records of each significant incident where force was used, in accordance with the school's policy and procedures on the use of force and its safeguarding children requirements. The purpose of recording is to ensure that policy guidance is followed, that parents are informed, that plans are drawn up for the future as part of school improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future investigation.

13.3 You are strongly advised to keep a written record. Such records can provide evidence of defensible decisions in case a complaint is made or an investigation is held at a later date.

13.4 The member of staff associated with the incident is usually in the best position to draw-up the record. It would be good practice for the member of staff who is mainly responsible for safeguarding to check the record and the school should provide a copy of the final version to the member of staff involved with the incident. Staff training could provide good practice on completing a record of incidents.

13.5 Every different version given of the incident should be recorded. It is not always wise to provide a copy of the incident to the parents as usual; however, the parents should be informed of when and where the incident happened, which members of staff were directly associated with the incident (and remove names when required), why they had decided that force needed to be used, what force was used, whether there were any injuries and what follow-up steps were taken (assistance and/or discipline), in connection with their child.

**A verbal report should be given to parents / carers / agencies following an incident.**

13.6 The record is likely to form part of the pupil's educational record and it is a record of information that is being processed (secured, recorded and kept), by or on behalf of the school's Governing Body (or teacher at the school, except for personal use), that relates to the pupil, and derives from a teacher or supplied by a teacher employed by the Governing Body or the local authority.

13.7 Every injury should be recorded in accordance with the school's procedures. The school should take steps to report on relevant injuries to staff or pupils by using HS11 or the HSE's Incident Contact Centre <http://www.hse.gov.uk/index.htm>

13.8 It is good practice for governors to monitor incidents when force has been used. Headteachers have an important role to play when informing the Governing Body about such incidents.

13.9 Members of staff who have been attacked by the pupil may wish to consider informing the police.

**14. Informing a Parent after using reasonable force**

Incidents relating to the use of force can cause considerable concern to pupils' parents.

**Parents should be informed of any incident relating to their child and they should be given an opportunity to discuss the matter.**

The Headteacher or member of staff to whom the incident is reported should either inform the parents immediately, or at the end of the school day, orally or in writing. The school should make a record of the report.

It is recommended that the chair of the governing body / designated governor who coordinates the safeguarding of the school's children are informed of every recorded incident where force is used by staff.

**15. The parent's right to see records**

15.1 Even if a copy of the record of the incident was 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 after receiving the parent's written request. If a parent submits a written request for a copy of the record, this must be provided, also within 15 school days from receiving the request.

15.2 When schools comply with a request to see or receive a copy of a pupil's educational record, there are some types of information that should not be disclosed, namely any information that cannot be lawfully given to the child under the Data Protection Act 1998, or any information that he/she would not be entitled to obtain under the Act or by virtue of any order made under section 30(2) or section 38(1) of that Act. Further details on the data in educational records that can be disclosed are seen in the Assembly Government's guidance on Educational Records, School Reports and the Common Transfer System - keeping, disposal, disclosure and transfer of pupil information, Circular 18/2006. When recording such incidents, staff should bear in mind, if this information is subsequently transferred to the police, it could be included in a disclosure by the Criminal Records Bureau. Schools should keep records on such incidents until the staff member in question has reached normal retirement age or for 10 years from the date of the allegation, whichever is longer.

## **16. Support following incidents**

16.1 Serious incidents that call for the use of force can be unpleasant to everyone involved and it could lead to injuries to the pupil or to the staff. Immediate steps should be taken to administer first aid to any injuries and seek medical assistance for any injuries that are more serious. **It is also important to ensure that staff and pupils are given emotional support.**

16.2 The letter to parents used to inform them about the use of force can also be included in a discussion about the incident and present actions and follow-up support. It is good practice for parents to be involved in the process of reaching agreement on appropriate support arrangements. For the parents of pupils where their behaviour is linked to ALN and/or disabilities, it would be wise to reach agreement on an individual behaviour plan. Such plans would include strategies to prevent such behaviour from happening again and deal with any such behaviour that could again lead to the use of force.

## **17. Complaints and Child Protection Procedures**

The strategies outlined in the LEA's guidance on child protection asks headteachers and chairs of Governors / Safeguarding Children Designated Governors, to consider each incident and decide whether or not to refer the matter through the agreed child protection procedures.

Any complaint deriving from the use of physical restraint should be considered in the light of the existing written investigation pathways, i.e.

- a. Child Protection (Social Services)
- b. School Complaints Procedure Process.

If in doubt, schools are advised to contact:

Delyth Griffiths, Safeguarding Children Officer, Education Department

[DelythGriffiths@gwynedd.llyw.cymru](mailto:DelythGriffiths@gwynedd.llyw.cymru) before conducting an investigation that could harm the subsequent outcome.

## **18. Involvement of Multi-Agency Stakeholders**

Schools are also advised to:

- decide whether multi-agency partners need to be involved and, if so, which partners. These could include local authorities' children services, Child and Adolescent Mental Health Service (CAMHS) or the Youth Offending Team (if the child is already supervised by them or if they

have been noted by YOT as someone who is at risk of displaying criminal or anti-social behaviour);

- when the pupil will have regained emotional control, he/she should be held to account so that they acknowledge the harm caused or could have been caused. In addition, to punish the pupil, this could offer them an opportunity to restore relationships with the staff and pupils affected by the incident and/or to develop their social and emotional skills. In some instances, an incident can lead to a decision to exclude a pupil. Under these circumstances, headteachers must consider the Assembly Government's guidance on School Exclusions and Pupil Referral Units, Circular 081/2012
- help the pupil and staff to develop strategies to avoid such emergencies in the future and inform relevant members of staff of these strategies and their roles;
- ensure that parents and pupils are aware of the school's complaints procedures; and
- ensure that the staff and pupils affected by the incident receive ongoing support for whatever length of time they require in relation to:
  - i. physical results;
  - ii. support to deal with any emotional stress or loss of confidence; and
  - iii. an opportunity to analyse, reflect and learn from the incident.

## **19. Dealing with complaints and allegations**

19.1 Parents and pupils will be entitled to complain about actions taken by school staff. This could include the use of force. Schools need to make this explicitly clear. If a specific allegation of abuse is made against a staff member, the school must follow the guidance noted in Welsh Government's three letters to the independent investigation service, dated 9 November 2006, and 30 March and 31 August 2007. Also, the guidance in Assembly Government Circular 45/2004 - 'Staff Discipline Procedures in Schools'. Other complaints should be dealt with under the school's complaints procedure that is normally introduced in the school's published prospectus or on its website. Welsh Government has also published two guidance documents for schools on dealing with complaints. Circular 03/2004 'School Governing Body Complaints Procedures' and Circular 39/2006 'Guidance for School Governing Bodies on Procedures for Complaints Involving Pupils'.

19.2 In such circumstances, the headteacher should respond to the complaint in accordance with the school's policy and guidelines, unless the complaint is made about the headteacher him/herself. Parents can choose to appeal against the headteacher's response. A panel of governors can be convened at this point.

19.3 Having the full participation of those with parental responsibility following the incident should reduce the likelihood of a complaint about the use of force, but it will not prevent all complaints or allegations. Allegations can be made from various sources, and not only by the parents or child in question.

19.4 A dispute could lead to an allegation against a member of staff, and it could be submitted to the school, to other agencies or even to the police. These should be dealt with in accordance with the agreed procedure for dealing with allegations against staff. Guidance is available to schools on safeguarding children and on dealing with allegations of abuse against teachers and other staff in Welsh Government's letters and circulars as listed above. Welsh Government has also published guidelines in Circular 05/2008 - Safeguarding Children in Education: The role of local authorities and governing bodies under the Education Act 2002.

19.5 The school's policy on physical intervention and the degree to which it is followed will be the foundation to any such investigation. An investigation can be carried out into such complaints under the school's disciplinary procedure.



## 20. Physical Contact with pupils in other Circumstances

20.1 There are occasions when physical contact with a pupil will be appropriate or necessary apart to the occasions included in Section 93 of the Education and Inspections Act 2006. A degree of physical contact may be required to exhibit exercises or techniques during physical education lessons, sports training or art, design and technology, or if a member of staff has to administer first aid. Teachers may need to provide stimulus or physical help to young children and to those with ALN. Contact could also be appropriate when a pupil is congratulated or praised, or when the pupil is anxious and needs to be consoled. Teachers will use their own professional opinion when they believe that a pupil needs this type of support.

20.2 Some pupils may not want anyone to touch them. For example, some pupils could be very sensitive to physical contact due to their cultural background or because they have been abused. It is important that staff that could come into contact with the pupils or groups of older pupils have received the relevant information and that the school has a system of informing them. In addition, the school will need to develop a clear common approach towards a group of pupils and specific incidents.

A common action method could be adopted when staff and pupils are of a different gender. **Physical contact with pupils will be more open to questions as pupils reach and go through puberty, and staff should also bear in mind that innocent and well-intended physical contact could also be misinterpreted at times.**

20.3 Schools should keep a current record of such incidents, by completing a purposeful "Record on the use of reasonable force". Immediately following such incidents, the associated member of staff should inform the headteacher or senior member of staff and provide a written report as soon as possible. This should include:

- the name(s) of the pupil(s) involved and when and where the incident occurred;
- the names of any other staff or pupils who witnessed the incident;
- the reason why force was needed, e.g. to prevent injury to the pupil, other members of staff;
- how the incident began and developed, including details of the pupil's behaviour, what was said by everyone involved, the steps taken to diffuse or calm the situation, the degree of force used, how this force was used, and for what duration;
- the pupil's response during the incident and the outcome of the incident;
- the details of any injury sustained by the pupil, another pupil or a member of staff should be recorded by using a map of the body - see Appendix - and any damage to property.

Staff should seek the advice of a senior colleague or senior representative of their professional society when drawing-up such report.

These reports could be available to external agencies involved in child protection, including the police.

The member of staff should keep a copy of the report.



## **APPENDIX 1 - CONTENTS OF SCHOOL POLICY**

Situations that include making decisions on whether or not to use force can occur in any school. The use of force and deciding not to use force could expose pupils and staff to substantial risks. Establishing a clear policy for the school on staff's use of force is an important part of reducing these risks.

**Every school needs to develop a policy that has been tailored for its specific circumstances.** It is good practice to do so in consultation with governors, staff, parents and pupils. The model in APPENDIX 2 will be useful for schools who are developing or reviewing their own policies.

### **School's Policy on the Use of Force by Staff to Control or Restrain Pupils**

#### **Objectives**

These could include statements on:

- key objectives to ensure the safety of pupils and staff;
- prevent serious cases of challenging the school's discipline;
- prevent serious damage to property; and
- the need to safeguard the rights of children and young people.

#### **Reduce the need to use force**

This section could include material regarding:

- creating a calm environment that reduces the risks that incidents arise where the use of force could be required;
- using social and emotional well-being methods to educate pupils on how to control conflict and strong feelings;
- prevent incidents from escalating should they occur;
- only use force when the risks of doing so outweighs the risks of not using force; and
- risk assessments and positive intervention methods for individual pupils.

#### **Staff authorised to use force**

- This section could deal with permanent and temporary authority.
- In relation to permanent authority, it could explain that every staff member and teacher authorised by the headteacher to control or be responsible for pupils receive statutory powers automatically to use force and note the categories of staff included in this.
- In terms of temporary authority, it could explain the circumstances where staff, where their duties do not normally include supervising pupils and volunteers who work with the pupil, receive authority to control or be responsible for pupils and that they therefore have the statutory power to use force; and how teachers and other staff with permanent authority will know who has temporary authority.

#### **Deciding when to use force**

- This section could introduce guidelines to help staff decide whether or not force should be used in specific circumstances. For example, it could suggest that staff should only use force when:
- the potential outcome of not intervening would be serious enough to justify considering using force;
- the likelihood of achieving the desired outcome by other means is low; and
- whether the risk associated with not using force outweighs the risk of using force.
- This section could also explain:

- how staff (including people with temporary authority to control or be responsible for pupils) obtain information about pupils and advice on how to deal with pupils who pose a particular threat to themselves or to others (as a result of ALN and/or disabilities and/or other personal circumstances, such as domestic abuse); and
- how staff should reduce the highest risks, for example, by calling the police if it is believed that the pupil suspected to be carrying a weapon is likely to resist being searched.

### **Use of force**

- This section could emphasise the importance of using the least possible degree of force required to achieve the desired outcome.
- This section could also:
  - advise that a clear verbal warning should be given to the pupil that force could be used;
  - suggest the types of force that could be used, making it explicitly clear that any type of restraint that is likely to injure a pupil (in particular anything that could restrict their breathing), should only be used in extreme emergencies only, when no other practical option was available; and
  - advise staff, to the degree that it is possible, that they should not use force unless or until another responsible adult is present to support, to observe and to call for help.

### **Staff training**

- This section could discuss:
  - how decisions are made about training; and
  - how training is provided.

### **Recording incidents**

- This section could introduce the school's arrangements to decide which incidents to record and how to record them.
- Schools may wish to use their own version of the attached incident recording form

### **Reporting on incidents**

- This section could present the school's arrangements for recordable incidents to parents.
- It could also discuss reporting to external agencies such as the local authority's children services, the Local Safeguarding Children Board, the Health and Safety Executive, Youth Offending Teams and the police.

### **Support following incidents**

- This section could present the arrangements for supporting staff and pupils who have been involved in incidents, including meeting immediate physical needs and re-nurturing relationships, and ensuring that lessons are learnt from the incident.

### **Complaints and allegations**

- This section could present the school's arrangements for dealing with complaints and allegations of misbehaviour deriving from incidents.

### **Monitoring and reviewing**

This section could present the school's arrangements for monitoring the impact of its policy on the use of force and for reviewing and developing the policy, including the roles of senior managers and governors.

## APPENDIX 2

### MODEL OF A SCHOOL POLICY REGARDING THE USE OF REASONABLE FORCE

#### AIM

To respond to the requirements of the Use of Force to Control or Restrain Pupils document, namely the powers included in Section 93 of the Education and Inspections Act 2006, which superseded Section 550A of the Education Act 1996, with minor amendments. The aim of this policy is to ensure clarity when dealing with pupils where it is appropriate to use reasonable force.

#### Objectives

Profess values and philosophies based on care, well-being, safety and security.

#### STATEMENT

The Governing Body of Ysgol Llanbedrog accept and implement Gwynedd Education Authority's Guidelines regarding the use of Reasonable Force.

#### APPROACH

1. All members of staff employed by the authority is an authorised person to *consider* the use of reasonable force.
2. The Governing Body will delegate the responsibility of arranging specific training for each member of teaching staff, to the Headteacher.
3. The Headteacher will arrange specific training for the school's staff.
4. The Governing Body will ensure that every member of staff that have to physically intervene with pupils, clearly understand the options and strategies available to them.
5. The Headteacher will inform the parents of the procedure by means of a statement about the policy in the school's handbook.
6. The Governing Body will ensure that intervention methods have been planned based on the guidelines of Gwynedd Education Authority in relation to:

- Reducing the need to use force
- Evaluating Risk including individual risk
- Deciding when to use force
- Using force reasonably
- Staff training
- Recording incidents
- Reporting on incidents
- Support following incidents
- Child protection procedures
- Complaints and Allegations
- Monitoring and reviewing

7. The Senior Management Team will ensure that the school offers immediate help and support to the members of staff involved with the incident.
8. The Senior Management Team will ensure that the school offers help to the pupil, and support to the pupil to include his/her views on the circumstances leading to the incident, as well as the incident itself.
9. After a written complaint is received, the Headteacher or the Chair of Governors will *consider* following the Child Protection Guidelines. Child protection guidelines should not be followed unless

there is a risk of significant harm to the pupil. If there is any doubt, the safeguarding children officer in education should be contacted for support.

10. The policy is reviewed;

- i. annually
- ii. following any amendments to the *Government* and/or *Local Government* guidance

The content of the policy should be considered following an incident at the school.

### REPORT ON AN INCIDENT WHICH INCLUDED PHYSICAL RESTRAINT

If there is a case of child safeguarding, the matter should be referred in accordance with the child protection procedures

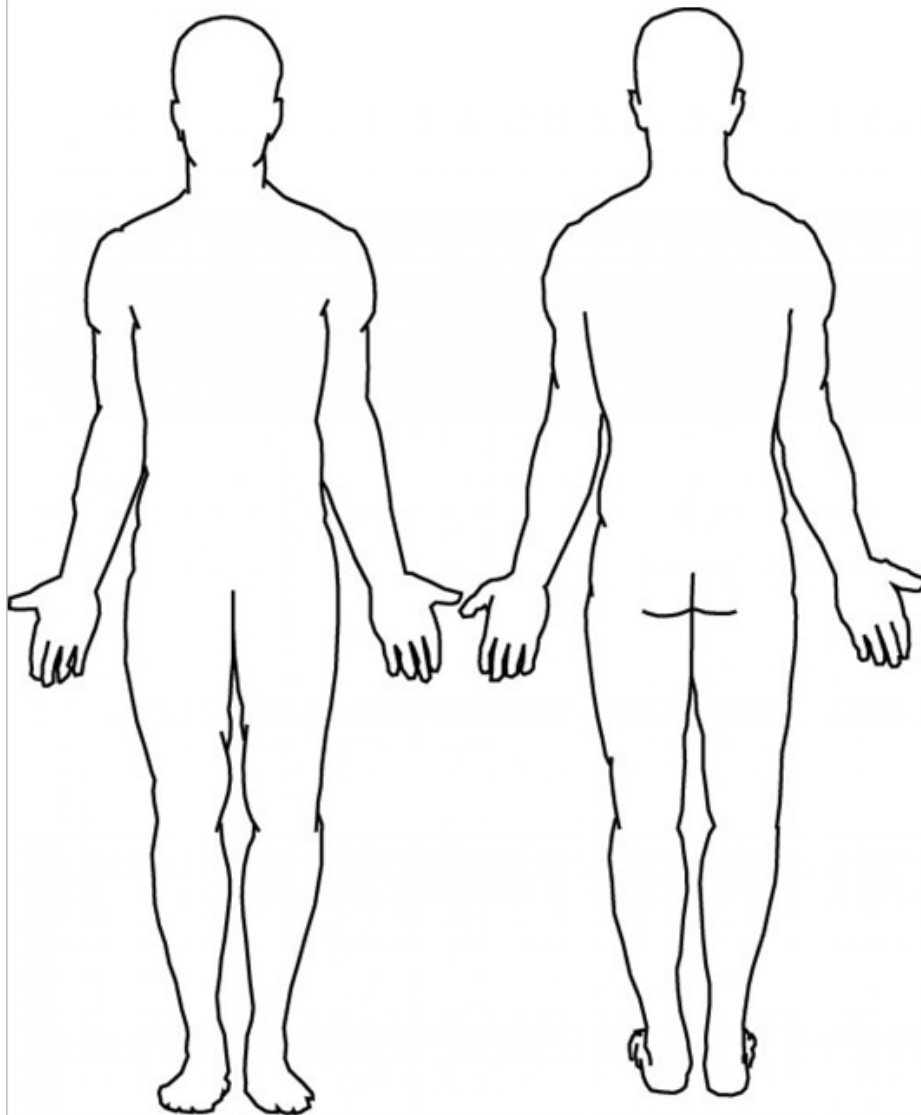
Whose Record?		Pupil's name:	
Staff involved in the incident?			
Day and date of incident:		Year:	
Location:		Start time:	
Activity:		End time:	
Witnesses - staff		Witnesses - pupils	

Give a detailed description of how the incident began and how things developed, including what was said from both sides, what steps were taken to mitigate or calm the situation, how the pupil was held or restrained and for how long

What behaviour was seen? (describe exactly what happened - including the mitigation strategies used, the length of time that the mitigation techniques were used, how the young person responded)  
Mitigation techniques: (staff should always adopt non-threatening poise, and number the other strategies used, i.e. noting the order that they were used) - advice/verbal support - distraction? How? - discuss - restrictions/options - giving reassurance - offering/arranging time out - tactically ignoring - changing the adult involved - other (describe).

For how long were the mitigation techniques used? (minutes)

Note below where you made contact when restraining.



Why was the use of force needed?  
(please tick)

- ☐ The young person was at risk of harm
- ☐ Other pupils were at risk of harm due to the young person
- ☐ Staff or others present were at risk of being harmed due to the young person
- ☐ Property was about to be damaged
- ☐ Order was being disrupted - how \_\_\_\_\_
- ☐ Other - please explain \_\_\_\_\_

Steps taken following the incident to ensure that the young person had calmed down, and the ultimate outcome:

Details of any injuries sustained: (to whom, and the steps taken as a result e.g. medical treatment. If none, note 'none')

**Accidents Book and HS11:** yes/no (delete)

Any other relevant information: (you should include details regarding damage to property etc., if none, note 'none')

Parents/carers informed: telephone ☐ home contact book (attach a copy) ☐

Name of staff member who informed the parents/carers: \_\_\_\_\_

Time and date: \_\_\_\_\_



If no, note the reason why: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

### Pupil's Statement

The pupil's views and feelings following the incident should be noted.

Signed (pupil) .....

### Monitoring by the Senior Management Team:

	✓	X		✓	X
Were sufficient/appropriate mitigation steps taken?			Were the physical interventions completely necessary?		
Were there grounds to the use of physical intervention?			Was physical intervention used reasonably?		
Were approved physical interventions used?			Was the physical intervention used commensurate to the seriousness of the situation?		
Were appropriate/sufficient steps taken following the incident?			Is the reporting process complete and comprehensive?		

### Action following an Incident

What will the school do to avoid a similar incident in the future?

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

*A copy of this incident record should be sent to [GweinyddolADYaCH@gwynedd.llyw.cymru](mailto:GweinyddolADYaCH@gwynedd.llyw.cymru) within 5 working days of the incident.*

#### **APPENDIX 4 - Some Points to Remember**

#### **PHYSICAL RESTRAINT OF PUPILS AT Ysgol Llanbedrog**

To remind staff of what they **SHOULD** and **SHOULD NOT** do

##### **YOU SHOULD ...**

- Be familiar with the procedures noted in the school's guidelines on the use of physical restraint. A copy of these are available from .....
- Discuss these with a senior member of staff if you are uncertain at any point.
- Be aware of pupils who have been physically restrained in the past, and of what happened.
- Send for the assistance of an adult soon if things go awry and that restraint is likely.
- Assess the situation before taking action.
- Remain calm - do not over-react.
- Use the least restraint for the least amount of time as possible.
- Inform the headteacher or senior member of staff about the incident as soon as possible by completing the reporting form after being advised by a senior professional society or trade union representative.
- Consult your Professional Society or Trade Union if you have any concerns.
- Remember about your professional responsibilities towards every pupil in your care.
- Make sure that your hands are always in view and that you avoid touching reproductive parts.

##### **YOU SHOULD NOT ...**

- Put yourself in danger: do not attempt to restrain a pupil who is obviously carrying a "weapon".
- Attempt to restrain a pupil when you have lost your temper.
- Allow the situation to get out of control.
- Use excessive force, e.g. holding the throat, holding the pupil with his/her face to the floor.
- Put yourself in danger of being falsely accused: avoid being alone with any vulnerable pupil.

**If there is a case of child safeguarding, the matter should be referred through the child protection procedures**