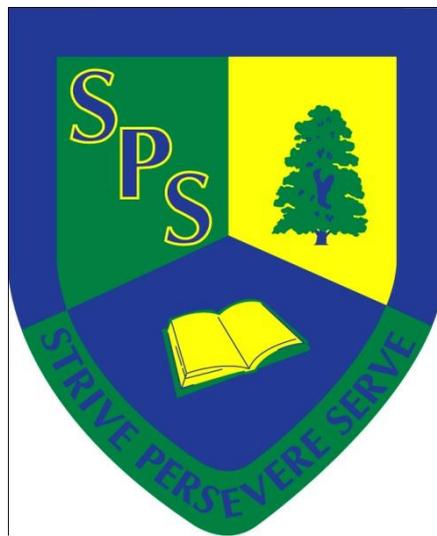


# Sandfield Park School



## **POLICY ON THE USE OF FORCE BY STAFF TO CONTROL OR RESTRAIN PUPILS**

### **Policy on Last Resort Physical Interventions**

# Section 93 of the Education Act

## Every Child Matters – 5 Outcomes

- 1. Being Healthy**  
Enjoying good physical and mental health and living a healthy lifestyle.
- 2. Staying safe**  
Being protected from harm.
- 3. Enjoying and Achieving**  
Getting the most out of life and developing the skills for adulthood.
- 4. Making a positive contribution**  
Being involved with the community and society and not engaging in anti social or offending behaviour
- 5. Economic well being**  
Not being prevented by economic disadvantage from achieving their full potential in life.

Sandfield Park School takes the health and safety of its pupils extremely seriously.

At Sandfield Park School, the vast majority of pupils are well behaved, they achieve and contribute positively to the life of the school. They are well motivated and engage positively in the life of the school and their home communities and they develop, as far as they are able to, into responsible and successful citizens. There are some pupils within the school that do have difficulty in managing their behaviour, and need additional support.

Pupils need to feel safe from harm when in school. Staff at our School are confident that they know how to provide a positive learning environment for pupils and how to manage behaviour to ensure situations do not escalate into aggression or violence.

**“People with learning disabilities have a right to be treated with respect, care and dignity especially when they are behaving in ways which maybe harmful to themselves or others and as a result require physical intervention from staff.”**

Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who Display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders. July 2002.

Sandfield Park School recognises that it is extremely rare that it is either necessary or appropriate to restrain or ‘hold’ children and this should never be done as a means of discipline.

Guidance on the Use of Force to Control or restrain Pupils April 2008

## **Principals**

- The use of force should, wherever possible, be avoided, and be the last resort after all other methods have been tried.
- There are occasions when the use of force is appropriate
- When force is necessary, it must be used in ways that maintain the safety and dignity of all concerned.
- Wherever possible, restrictive physical interventions should be used in a way that is sensitive to, and respects the cultural expectations of the pupils and their attitudes towards physical contact.
- Restrictive physical interventions should always be designed to achieve outcomes that reflect the best interests of the child or adult whose behaviour is of immediate concern and others affected by the behaviour requiring intervention.
- The decision to use a restrictive physical intervention must take account of the circumstances and be based upon an assessment of the risks associated with the intervention compared with the risks of not employing a restrictive physical intervention.
- A restrictive physical intervention must also only employ a reasonable amount of force that is the minimum force needed to avert injury or damage to property, or to prevent a breakdown of discipline - applied for the shortest period of time.

## **Objectives**

Sandfield Park School policy on the use of force has three main objectives:

- The safety of pupils and staff
- Preventing serious breaches of school discipline
- Preventing serious damage to school property

## **Policy Elements**

At Sandfield Park School we recognise the contribution we can make to support the behaviour of pupils in school. There are three main elements to our policy:

### **Prevention –**

- By creating a positive ethos and pastoral support to pupils.
- By raising awareness of behaviour issues and equipping staff with the skills to manage behaviour in a positive and safe manner.

### **Protection –**

- by following agreed procedures,
- Ensuring staff are trained and supported to respond appropriately and sensitively to behaviour concerns.
- Rigorous reporting of incidents

### **Support –**

- By establishing a safe environment in which pupils can learn to manage their behaviour and develop positive strategies to help equip them for their future place in society.

## **School Commitment**

Sandfield Park School will:

- Establish and maintain an ethos where children feel secure, are encouraged to communicate and are listened to.
- Ensure that children know that there are adults in the school who they can approach if they are worried or are in difficulty.
- Include in the curriculum, opportunities for pupils to acquire skills to manage their own behaviour
- Help to develop children as responsible adults.
- Ensure effective working relationships with parents and colleagues from other agencies.
- Promote safe practices and challenge poor and unsafe practice.
- Record in writing all behaviour concerns, decisions made and the reasons for those decisions.

## Definitions

Different forms of physical intervention are exemplified in the table below. It shows the difference between restrictive forms of intervention, which are designed to prevent movement or mobility or to disengage from dangerous or harmful physical contact, and non-restrictive methods. Restrictive physical interventions involve the use of force to control a pupil's behaviour and can be employed using bodily contact, mechanical devices or changes to the person's environment. The use of force is associated with increased risks regarding the safety of pupils and staff and inevitably affects personal freedom and choice.

	Bodily Contact	Mechanical	Environmental Change
Non restrictive	Manual guidance to assist a person walking	Use of a protective helmet to prevent self injury	Removal of the cause of distress, for example, adjusting temperature, light, or background noise
Restrictive	Holding a person's hands to prevent them hitting someone	Use of arm Cuffs or splints to prevent self injury	Forcible seclusion or the use of locked doors

At Sandfield Park School, restrictive physical interventions can be employed to achieve a number of different outcomes:

- to break away or disengage from dangerous or harmful physical contact initiated by a pupil.
- to separate the person from a 'trigger', for example, removing one pupil who responds to another with physical aggression
- to protect a pupil from a dangerous situation – for example, the hazards of a busy road.

**Restrictive holds or restraint are considered extreme forms of physical intervention and must be very carefully considered as a possible course of action before use.**

### Deciding on whether to use force

It is helpful to distinguish between:

*planned intervention*, in which staff employ, where necessary, prearranged strategies and methods which are based upon a risk assessment.

Planned physical intervention strategies should be:

- agreed in advance by the management team working in consultation with the pupil, his or her carers or advocates and those with parental responsibility
- described in writing and incorporated into other documentation which sets out a broader strategy for addressing the pupil's behavioural difficulties
- implemented under the supervision of an identified member of staff who has undertaken appropriate training

*Emergency or unplanned* use of force which occurs in response to unforeseen events.

- Unplanned or emergency intervention may be necessary when a pupil behaves in an unexpected way. In such circumstances, members of staff retain their duty of care to the pupil and any response must be proportionate to the circumstances. Staff should use the minimum force necessary to prevent injury and maintain safety, consistent with appropriate training they have received.

Sandfield Park School, the scale and nature of any physical intervention must be **proportionate** to both the behaviour of the individual to be controlled, and the nature of the harm they might cause. These judgements have to be made at the time, taking due account of all the circumstances, including any known history of other events involving the individual to be controlled. The minimum necessary force should be used, and the techniques deployed should be those with which the staff involved are familiar and able to use safely and are described in the pupil's support plan. Where possible, there should be careful planning of responses to individual pupils known to be at risk of self-harm, or of harming others.

### **Reasonable force in an emergency situation**

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

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

### **Using Force**

When the decision has been taken to use force, a clear warning will be given to the pupil concerned. This warning should try to take into account the pupil's own method of communicating, for example the use of signing alongside speech may be necessary. Sandfield Park School staff recognise that due to the nature of some of its pupils this message may not always be understood and may not be possible in an emergency situation. However, all reasonable steps must be taken to help the pupil understand what is happening, both before the Intervention takes place and during the Intervention, and after the Intervention.

Trained staff will use specific HCEST techniques that they have been trained to use. These are Level I HCEST techniques, and include breakaways and holds that require minimal intervention. Staff may need to work in teams to support each other in order to ensure the safety of the pupil concerned. As far as possible, force should not be used until another responsible adult is present to support, observe, and call for assistance.

No hold will be used that restricts breathing.

### **The Law**

'Force' does not only imply restrictive physical holds or restraint of some kind but includes both passive physical contact (such as might occur if standing between two pupils to prevent a fight) as well as active physical contact (such as leading a pupil by the arm).

The Education and Inspection Act (2006) gives the statutory power to use force to individual members of staff. This statutory position for specified staff is in addition to the right of anyone using reasonable force to protect themselves, or another, from grievous physical danger).

Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do, any of the following:

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

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

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

Where staff have followed school procedures they will be acting appropriately and they should normally expect to be supported by the school Governing Body, their Trade Union and the LA.

Those exercising the power to use force must also take proper account of any particular special education need (SEN) and/or disability that a pupil might have. Under the Disability Discrimination Act 1995 schools have two key duties:

- a. not to treat a disabled pupil less favourably, for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification; and
- b. to take reasonable steps to avoid putting disabled pupils at a substantial disadvantage to pupils who are not disabled (known as the reasonable adjustments duty).

This statutory power, conferred in the Education and Inspections Act 2006, is in addition to the common law power of any citizen in an emergency, to use reasonable force in self-defence, to prevent another person from being injured or from committing a criminal offence. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is only available to people authorised to have control or charge of pupils. Clearly, not all the behaviours that prejudice school discipline are also criminal offences and most primary pupils are below the age of criminal responsibility. Authorised staff may, if necessary, use appropriate force to prevent behaviour that prejudices the maintenance of school discipline, regardless of whether that behaviour would also constitute a criminal offence.

Reasonable force may also be used in exercising the statutory power, introduced under section 45 of the Violent Crime Reduction Act 2006, to search pupils without their consent for weapons. This search power applies to head teachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force could be used by the searcher and/or the second person required to be present at a search.

However, the DCSF (and the LA, which endorses this view) strongly advises schools not to search pupils where resistance is expected, but rather to call the police.

**It is always unlawful to use force as a punishment.** This is because it would fall within the definition of corporal punishment, abolished by section 548 of the Education Act 1996.

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

The staff to which the power "use of force" applies are defined in section 95 of the Act. They are:

- a) any teacher who works at the school, and
- b) any other person whom the head has authorised to have control or charge of pupils.

This includes support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors.

- also includes people to whom the head has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does

not normally involve supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying pupils on school organised visits).

- Does not include pupils, even those with responsibility such as prefects.

As part of Sandfield Park School induction process, staff are informed of their responsibilities in relation to the school's policy on use of force.

The school keeps an up to date record of the people who are permanently authorised to use HCEST holding techniques.

### **Physical contact with pupils in other circumstances**

Sandfield Park School recognises there are occasions when physical contact with a pupil may be proper or necessary other than those covered by section 93 of the Education and Inspections Act 2006. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching or physiotherapy moves, or if a member of staff has to give first aid. The pupils at the school may need staff to provide physical prompts to help them. Touching may also be appropriate where a pupil is being congratulated or praised, or where the pupil is in distress and needs comforting. Teachers will use their own professional judgement when they feel a pupil needs this kind of support and whether it is appropriate. At school, there are a number of pupils who require assistance with their personal care, for example whilst using the toilet, or feeding, or dressing. The school maintains an open and professional approach to all these activities, and takes the safeguarding of its pupils during these sensitive times extremely seriously.

There may be some pupils for whom touching is particularly unwelcome. For example, some pupils may be particularly sensitive to physical contact because of the nature of their SEN, their cultural background or because they have been abused. It is important that staff that may come into contact with these pupils or groups of pupils should have the relevant information. There should be a common approach where staff and pupils are of different sexes. Physical contact with pupils becomes increasingly open to question as pupils reach adolescence, and staff should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

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

### **Minimising the need to use force**

Staff at the School know that physical intervention may be dangerous, both from the pupil's and from the adult's perspective, in physical and psychological terms.

Individual members of staff should make every effort to avoid confrontation, particularly where physical intervention is thought a possible outcome. Staff faced with a potentially violent situation should try to be calm and confident. Staff should have full regard to strategies of de-escalation and avoiding confrontation. The use of force to manage disruptive behaviour or to force compliance with an instruction might increase the risk of violence and injury to the pupil or the member of staff.

In responding to pupils' behaviour staff should wherever possible try to remain calm and model the skills of peaceful conflict resolution. Such activities can usefully be included in curricular activities for pupils. Not only is this more likely to avoid escalation of an incident and thereby avoid the inherent dangers of a violent incident but it is likely to have far more positive effects on the relationship.

Confrontation can usually be avoided by a determined adult who chooses not to make an issue in public, remains calm and allows the pupils space, restates in a non-provocative manner, expectations and provides choices. Many incidents of violence arise through escalation of a relatively minor incident. Staff at Sandfield Park School should, wherever possible, take steps to avoid the need to physically intervene by discussion and diversion.

Where confrontations do arise and cannot be avoided; the emphasis should be on de-escalation; this deliberate attempt at reducing tension will be the most effective action.

Sandfield Park School: -

- Creates a calm, orderly and supportive climate that minimises the risk and the threat of violence of any kind. It strives to create a calm environment that minimises the risk of incidents that might require using force arising. The school makes use of specially developed areas (e.g. library/quiet room) which maximise the opportunities for pupils to feel safe and happy.
- Develops effective relationships between pupils and staff that are central to good order.
- Adopts a whole school approach to developing social and emotional skills.
- Takes a structured approach to staff development that helps staff to develop the skills of positive behaviour management; managing conflict and also to support each other during and after an incident. The staff at Sandfield Park School are highly skilled at de-escalating incidents if they do arise.
- Recognises that challenging behaviours are often foreseeable; For some pupils where there is a recognised risk of escalation of incidents leading to physical intervention, agreed preventive strategies are developed.
- Effectively manages individual incidents. It is important to communicate calmly with the pupil, using non-threatening verbal and body language and ensuring the pupil can see a way out of a situation. Strategies include, for example, going with the staff member to another room/space, away from bystanders or other pupils, so that the staff member can listen to concerns or help the pupil calm; or being joined by a particular member of staff well known to the pupil.
- If the situation arises where force is being considered, wherever practicable, warning a pupil that force may have to be used before using it. However, staff are to be aware that the threat of using force could in itself escalate aggression and make the situation worse. The focus is on informing the pupil of the need to keep them and others safe.

- Risk assessments and positive handling plans for individual pupils with behaviour difficulties are in place and are monitored by the school Behaviour Team.

Staff at school know that there are two discrete stages to preventing the need for physical intervention: avoiding a confrontational situation developing in the first place and defusing an incident once it has started to develop.

### **Deciding on whether to use force**

Staff at Sandfield Park School must only use force when

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

Staff (including people with temporary authorisation to have charge or control of pupils) will be kept informed about and advised how to deal with pupils who present particular risks to themselves or others. They will follow the set behaviour guidelines which are agreed by The SLeadership Team and parents.

### **Using force**

The Staff at the School know that using force is a last resort, and that all steps have been taken to minimise the risk of using force.

### **Staff training**

#### **HCEST**

Whole school staff update training on physical Intervention will take place every year.

There will be regular update training each half term.

Sandfield Park School has annual Training by a team from HCEST Training. All staff cover theory, last resort physical interventions, and staff / child support after any incidents.

### **Recording and Reporting incidents**

Sandfield Park School keeps systematic records of every significant incident in which force has been used.

All single person hold and two person holds are recorded using CPOMS.

Parents are informed of incidents involving their child by telephone in the first instance, or by writing if it has not been possible to contact the parent. The time and date of the conversation will be recorded with brief notes about the content of the conversation as part of the CPOMS report. A copy of any correspondence will be kept.

Parents will be told when and where the incident took place, which members of staff were directly involved, why they decided that force had to be used, what force was used, whether there were any injuries and what follow-up action (support and/or disciplinary) was being taken in relation to their child.

The member or members of staff involved in an incident are usually best placed to compile the record. Differing accounts given of the same incident should all be recorded. The record is then checked by senior staff, and the records are used to inform future planning for the pupil. Incidents are monitored at regular Safeguarding Supervision meetings.

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

When recording such incidents, staff should bear in mind that, if this information is later passed to the police, it may be included in a Criminal Records Bureau disclosure.

Sandfield Park school will retain records of such incidents.

Parents will be informed of the school's policy on the use of force, and information on post-incident support.

If the use of force is unplanned, an individual behaviour plan will be put in place, and parents will be invited to contribute to this plan so that they can be involved in agreeing appropriate support arrangements for their child. Such plans will include strategies to prevent and deal with any recurrence of behaviour that could lead to the use of force.

Individual Behaviour Plans will be regularly reviewed by the Behaviour Team, supported by the Senior Leadership Team, in order to ensure that all procedures that take place continue to be in the best interest of the pupil concerned.

All injuries for both staff and pupils will be recorded on "Body Maps" which will be dated and signed, and which will carry written descriptions if necessary.

Members of staff, who consider they have been assaulted, might wish to consider reporting this to the police. This will depend on the specific circumstances of the incident. Sandfield Park School has support mechanisms for staff to discuss their response to the incident and what restorative approaches are in place to deal with the aftermath of the incident. These include discussion with Senior Leadership.

## **Post-incident support**

Sandfield Park School recognises that when incidents occur these are often very stressful and upsetting for all those involved.

If at all possible, paying due regard to the level of understanding of the pupil concerned, the pupil will be offered post incident support, including meeting immediate physical needs and rebuilding relationships.

Staff will also be offered post incident support, including meeting immediate physical needs and rebuilding relationships. The incident will be discussed in a supportive environment in order to ensure that lessons are learned from the incident. The staff at School are highly professional and will always review their practice in order to best support the pupils and keep them safe.

## **Complaints and allegations**

### **Safeguarding Issues - Protecting Children and Adults**

In any situation where there is any concern that a safeguarding issue has arisen, the School will follow safeguarding procedures.

Parents and pupils have a right to complain about actions taken by school staff. This might include the use of force.

## **Monitoring and review**

The school has a Behaviour Team, supported by senior management, that regularly meets when all recorded incidents are monitored and reviewed. Data is collected and information gained from this data is used to inform good practice.

This policy will be reviewed every year.

## **Further information**

Sandfield Park School, has produced this policy taking guidance from

Health Care and Education Supportive Training Ltd

Training Director  
Alan Benn

Date of Policy April 2022

Signed Alan *Benn*