

## Foreword

At WSAPC, our mission is to offer children and young people who have been excluded from mainstream school, too ill to attend mainstream school or who are at risk of exclusion from a mainstream school, a range of positive, stimulating, supportive and alternative learning solutions based on their individual needs.

We work within a framework of equal opportunities, stability and security, so that our pupils are encouraged and challenged to develop academically, emotionally, personally and socially in preparation for the next stage in their education.

With this document, we demonstrate how we will ensure that, where pupils present the most challenging and potentially dangerous behavior (to themselves and to others), we will treat them at all times with dignity, compassion and humanity, protecting their rights and maintaining privacy and protection from the possible criticism of others. We will act professionally to keep individuals and groups safe from harm. This will apply to adults and pupils alike. Our training and our inclinations lead us always to proceed, in any potentially hazardous situation, with the needs of the whole child at the heart of all our actions. We will therefore use the minimum intervention compatible with maintaining the safety of individuals and the good order of the school as a whole. Following any use of restraint, we will conduct a review of events and seek to learn lessons in order to improve our practice and our provision.

This document also draws together the recent guidelines and legislation regarding school behavior and discipline. It should be read in close association with the WSAPC Behavior Policy.

Doug Thomas  
Head Teacher

**Introduction:**

Schools have a duty to promote good behavior and discipline. The school governing body, with the support of the County Council, has the duty to ensure the health, safety and well-being of everyone in school. The purpose of this policy is to help WSAPC staff understand and implement new expectations regarding school discipline and to support the leadership of the school, including the Governing body, to comply with legal requirements that are now placed on them and to exercise those powers within the legal framework.

For some pupils with the most significant needs it must be recognised that their challenging behavior is an aspect of their developmental profile. Interventions to manage their behavior must reflect their overall needs, should be matched to their particular circumstances and also be in the interests of the school as a whole.

It is essential that staff act appropriately in order to minimise the risk of accusation of improper conduct towards a young person.

Legislation that came into force on 1 September 1998 (Section 550a of the Education Act 1996), together with national guidance (DCSF Circular 10/98) established the responsibility of teachers and other authorised staff who have lawful control or charge of pupils with regard to the application of reasonable force in order to prevent children committing an offence, causing injury or damage, or engaging in behavior prejudicial to the maintenance of good order and discipline. Further guidance was issued and the above updated by the DfE in 2013

The Equality Act 2010 states, schools have a general duty to promote equality. This policy was constructed in order to be compatible with this duty and staff will act at all times to ensure that they do not discriminate in any way.

Reasonable force or restraint is only to be used as a last resort. The Education Act 1997 clarified the position about the use of restraint by authorised school staff when managing the behaviour of the most challenging pupils in our schools. This has been updated by DfE Use of force guidance 7/13. However, the greatest caution needs to be exercised when deciding to use physical restraint that may exacerbate an already volatile situation.

Many of our pupils use health and social care services inside and outside the school setting, and many will continue to use these services when they leave school and become adults. Consistency in approach is therefore necessary, both to provide the most effective support to children and young people and to reduce the possibility of confusion. Our policy is therefore based on a common set of principles that underpin practice in other agencies.

**Definition of 'Reasonable Force':**

There is no legal definition of 'reasonable force' so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.

There are two relevant considerations:



- ✦ The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it; therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanor or in a situation that clearly could be resolved without force;
- ✦ The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behavior or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, will also depend on the age, understanding and sex of the pupil. (*DCSF Circular 10/98*)

The Equalities Act 2010 dictates that issues of race, culture and faith also need to be taken into account. Therefore, any restrictive physical interventions should be used in a way that is sensitive to, and respects the cultural expectations of children, young people and their parents/carers and their attitude towards physical contact. As an example, it would be inappropriate for a male member of staff to restrain a Muslim girl.

Within the scope of our definitions of reasonable force we judge that:

- ✦ Female pupils must normally only to be restrained when at least one female member of staff is involved in the restraint;
- ✦ When a female pupil is restrained and one of the staff carrying out the restraint is a male, then the restraint must be supervised by a Senior Staff Member;
- ✦ In the unlikely event of a female pupil being restrained by two male staff members, this should be for the minimum time possible compatible with safety, the males should be replaced by females as soon as it is safe to do so and the restraint will be supervised throughout by a Senior Staff Member.

Reasonable force will only be used for:

- ✦ Prevent a child leaving a classroom where allowing them to leave would risk their safety.
- ✦ Prevent a pupil from attacking a member of staff or another pupil, or to prevent a fight.
- ✦ Restrain a pupil at risk of harming themselves through physical outburst.

This policy has been written in the context of the Human Rights Act (1998) and the United Nations Convention on the Rights of the Child (ratified 1991). It is based on the presumption that every child, young person and adult is entitled to:

- ✦ Respect for his/her private life;
- ✦ The right not to be subjected to inhuman or degrading treatment;
- ✦ The right to liberty and security; and



- ✦ The right not to be discriminated against in his/her enjoyment of those rights.

### **The Scope of the Policy**

This policy aims to support staff by providing guidance for use in situations where pupils may need to be prevented from harming themselves or others, or from causing damage to property, using restraint.

The use of physical restraint must always be set in the context of WSAPC overall behavior management framework.

Restraint is an action of last resort and is not a substitute for behavior management strategies. The emphasis of such strategies should be on managing incidents and behavior through non-physical, non-threatening aggression-free strategies. Physical intervention should only be considered to control situations involving imminent danger to pupils or to others.

Where de-escalation of a situation has not been possible and restraint is deemed necessary the minimum of physical force should be used by a "Team Teach" trained member of staff, for the minimum of time, ensuring the least restrictive intervention necessary to make the situation safer.

The scale and nature of any physical intervention must be proportionate to both the behavior and the individual to be controlled, and to the nature of the harm they might cause. These judgments must 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 in which the staff members involved have been trained, are familiar with and able to use safely.

### **Responsibilities:**

#### Assistant heads

AHs, through the Head teacher, are responsible for:

- ✦ Ensuring that all those working at WSAPC are familiar with and follow this policy.
- ✦ Ensuring that all staff working at WSAPC receive training in the safe use of restraint in pupil referral units from accredited external training group as part of their induction and that their training is regularly updated.
- ✦ Making a copy of the policy available to parents on request and on the school website
- ✦ Regularly reviewing the policy, its application and effectiveness.
- ✦ Ensuring that risk assessments are regularly reviewed and updated.

#### Head Teacher

The Head Teacher will:

- ✦ Ensure the policy is applied.



- ✦ Maintain an up to date list of those members of staff whom he selects as authorised to use reasonable force and ensure that staff know who they are;
- ✦ Ensure those authorised staff are appropriately trained and regularly up-dated.
- ✦ Ensure that all new staff receive guidance on the use of restraint as part of their induction programme and that they are provided with a full accredited external training. WSAPC training program at the earliest opportunity thereafter.
- ✦ Provide guidance for staff dealing with difficult and dangerous behavior;
- ✦ Oversee reporting and recording systems.
- ✦ Monitor and review incidents.
- ✦ Ensure that arrangements are in place for reviewing the policy regularly.

### Authorised Staff

All teachers/education staff are authorised to use reasonable force to control or restrain pupils.

The Headteacher does not authorise any other staff to use force to control or restrain pupils. In some circumstances staff members will have received training but will not be given the Headteacher's authorisation to use reasonable force to control or restrain pupils. Examples of such staff might include office staff, premises staff, staff that have physical disabilities or temporary staff.

The authorisation is provided in writing. It is permanent for all staff, subject to satisfactory completion of training as soon as possible after induction and the subsequent satisfactory completion of update training when it is arranged by the school.

The Headteacher maintains a register of all authorised staff members who have been trained and are therefore empowered to use reasonable force in accordance with this policy.

### All Staff

It is always the duty of everyone to consider their own safety and that of others.

In the event of circumstances arising that might result in an incident, staff should:

- ✦ Begin early de-escalation using preventative, non-confrontational methods.
- ✦ Consider all options available to them, including withdrawal of themselves or others.
- ✦ Seek support where possible.
- ✦ If authorised, consider the use of reasonable force to make the situation safe; and
- ✦ Report, record, and review.
- ✦ Should an incident occur, an authorised member of staff will:



- ✦ Determine whether the criteria from Circular 10/98 apply;
- ✦ Employ preventative, non-confrontational strategies; and
- ✦ As a last resort, use a form of restraint employing a recognised and agreed physical intervention.

### **Risk Management:**

Risk management is a proactive approach to minimising difficult and dangerous behaviors and is set against the background of policies and procedures at WSAPC. It includes general risk assessment of the environment and individual risk assessment of pupil support needs.

Risk management strategies, including the use of physical intervention, must prohibit:

- ✦ Any intervention which impedes the process of breathing.
- ✦ Entails the deliberate use of pain for control purposes.
- ✦ Involves contact with vulnerable parts of the body e.g. neck and sexual areas.
- ✦ Hypertension, hyper flexion and pressure on or across joints; or
- ✦ Any other potentially dangerous position.

Among the main risks to children and young people are that a physical restraint could:

- ✦ Be used unnecessarily, that is when other less intrusive methods could have achieved the desired outcome.
- ✦ Cause injury; bruising, scratching or soft tissue damage.
- ✦ Cause pain, distress or psychological trauma;
- ✦ Become routine, rather than an exceptional method of management.
- ✦ Increase the risk of abuse.
- ✦ Undermine the dignity of staff or pupils or otherwise degrade or humiliate those involved; or
- ✦ Create distrust and undermine personal relationships.

The main risks to staff include the following.

- ✦ As a result of applying physical intervention they may suffer injury.
- ✦ They may experience distress or psychological trauma.
- ✦ The legal justification for the use of physical intervention is challenged in the courts; and/or
- ✦ Disciplinary action.

The main risks of not intervening include:

- ✦ Staff may be in breach of their duty of care.



- ✦ Children and young people, staff or other persons may be injured or abused.
- ✦ Serious damage to property will occur; and/or
- ✦ The possibility of litigation in respect of these matters.

Some pupils with Special Educational Needs and/or behavioral difficulties, particularly in an AP setting, may need to be regularly restrained. Where this is the case, we will ensure that the situations and methods used will be the subject of a pupil-specific risk assessment and outlined in the pupil's behavior plan and therefore known to parents. Any restraint applied outside that written within the plan must be recorded and reported to parents.

The AH's will always discuss with parents/carers prior to a pupil entering WSAPC:

- ✦ The general principles of risk management in respect of challenging behavior.
- ✦ The possibility of the use of restraint.
- ✦ The training received by staff.
- ✦ The specific needs of the individual child in question; and
- ✦ The terms of the Home-School Partnership Agreement.

### **Prevention:**

The use of restrictive physical interventions at WSAPC will be minimised by the adoption of primary and secondary preventative strategies taught to all staff through accredited training providers.

Primary prevention is achieved by:

- ✦ Ensuring adequately trained staff are deployed and that their level of competence corresponds to the needs of the children and young people with whom we work and the likelihood that physical interventions will be needed. Staff will not knowingly be left in vulnerable positions.
- ✦ Helping children and young people to avoid situations which are known to provoke violent or aggressive behaviors, including providing adequate opportunities for individual work and activity.
- ✦ Individual risk assessments and behaviour support or individual education plans which are responsive to individual needs and include current information on assessed needs.
- ✦ Creating opportunities for children and young people to engage in meaningful activities which include opportunities for choice and a sense of achievement.
- ✦ Developing staff expertise in working with children and young people who present challenging behaviours; and
- ✦ Talking to children and young people, their families, and advocates about the way in which they prefer to be managed when they pose a significant risk to themselves and others. Some pupils prefer withdrawal to a quiet area to an intervention that includes bodily contact. A quiet area is available in each site for these cases.



Secondary prevention involves recognising, in the early stages of a behavioral sequence that it is likely to develop into violence or aggression and employing defusing techniques to avert any further escalation.

Where there is clear evidence that sequences of behavior rapidly escalate into violence, the use of physical intervention at an early stage may, potentially, be justified if it is clear that:

- ✦ Primary prevention has not been effective, and
- ✦ The risks associated with **not** using physical intervention are greater than the risks of using physical intervention; and
- ✦ Other appropriate methods, which do not involve physical intervention, have been tried without success.

All prevention strategies should be carefully selected and reviewed to ensure they do not constrain opportunities or have an adverse effect on the welfare or the quality of life of children and young people (including those in close proximity to the incident). In some cases it will be necessary to make a judgement about the relative risks and potential benefits arising from activities which might provoke challenging behaviors compared with the impact on the person's overall quality of life if such activities are proscribed. This will require a detailed risk assessment.

### **Pro-active Use of Physical Intervention:**

In most circumstances, physical interventions will be used reactively. Occasionally, it may be considered in the best interests of the pupil to accept the possible use of physical intervention as part of an educational strategy. For example, this may be considered as a way of helping a child or young person to exit a potentially difficult situation very rapidly and thereby preventing greater harm. Where this type of intervention might be useful it must have been discussed by staff in advance and be incorporated into a pupil's individual risk assessment and behavior plan. Parents/carers must have agreed this. Planning for this type of intervention will be the exception and will always have been approved by the Headteacher.

### **Emergency Use of Physical Intervention:**

Emergency use of physical intervention and restraint may be required when pupils behave in ways that have not been foreseen by a risk assessment or prevented by defusing techniques. Research evidence (Hill, J. and Spreat, S. (1987) shows that injuries to staff and to pupils are more likely to occur when unforeseen events are managed using physical interventions. For this reason, great care will be taken to avoid situations where unplanned restraints might be needed.

Effective risk assessment procedures together with well-planned preventative strategies will help to keep the emergency use of physical intervention to an absolute minimum. Daily debriefing meetings are particularly valuable in this process. Staff should be aware that, in an emergency, the use of force can be justified if it is reasonable to use it to prevent injury.



Even in an emergency the use of force must be reasonable. It should be commensurate with the desired outcome and the specific circumstances in terms of intensity and duration. In using a restrictive physical intervention in an emergency, the member of staff concerned should be confident that the possible adverse outcomes will be less severe than those which might have occurred without the use of restraint.

### **Medication:**

In certain circumstances, where use of medication has been indicated as a method of managing extreme behavior. Medication will only be administered as prescribed by a qualified medical practitioner or trained staff member, with the express written consent and permission of the parents/carers. Under their duty of care staff should not give medication to children and young people without the knowledge and agreement of the Headteacher who will ensure the agreed procedures have been put in place. All medicines administered to pupils must be stored in the school office according to their storage instructions and recorded in writing in the medicines logbook kept in the school office.

### **Reporting and Recording:**

A detailed, contemporaneous written report will always be made in respect of any incidents where force is used by the member of staff concerned. The information that should be contained within this report is set out in DCSF Circular 10/98.

An Incident Report Form must be completed as soon as is reasonably practical and brought to the attention of the AH or, in their absence the senior leadership team. In addition, the restraint needs to be recorded by the end of the working day.

The Assistant Head/ Centre Manager or a designated senior member of staff will ensure that parents/carers are informed, as soon as is reasonably practicable, of an incident where physical restraint has been used. Where a pupil has Special Educational Needs or behavioral difficulties and an agreed method of restraint has been included in a behavior plan, the use of restraint will be reviewed regularly but only reported to parents where the restraint applied is outside that set out in the plan.

Where a complaint about the use of restraint is made by a pupil or parent/carer, this will be reported to local authority designated officer (LADO) within 24 hours. In the event of such a complaint being made it is important that no investigation of the circumstances in which restraint was used is undertaken by the school unless the LADO determines that this is the most appropriate course of action.

### **Post Incident Support for Staff and Pupils:**



WSAPC has ensured arrangements are in place to provide support for staff following situations where they have had to restrain a pupil or have been involved in an incident which has been successfully de-escalated but the staff member involved has requested time to recover.

De-briefing sessions are always to be held with both the staff and pupil(s) involved in any incident and outcomes are reviewed to inform future practice to minimise the risk of similar occurrences. For pupils this could include the rewriting of risk assessment, the re-formulating of behavior plans and the re-setting of targets. For staff this could include the offer of additional support from Senior Staff, the re-allocation of duties for a defined period, referral for counseling or medical advice or support and/or the possibility of additional training.

Daily debriefing sessions at the end of every working day offer support and supervision to staff, provide opportunities for events to be shared with colleagues where this is appropriate and allow for the creation of a log of events. This log does not preclude the need for staff involved to write a personal account of the events they have participated in or witnessed. Such accounts must be written by hand by everyone concerned. Joint accounts are not acceptable.

Pupils will normally be required to discuss events with the AH /senior leaders in a timely way or as soon as they return to school if an exclusion has been given. A record will be made of their discussion. The discussion will cover the events, the lessons to be learnt from them and the way in which consequences will be applied. The pupil will be supported to apologise or to make restitution as appropriate. His/her parents may be invited to some or all of the meeting.

### **Screening for Potential Equalities Discrimination:**

This policy has been considered for its impact on staff, pupils, parents/carers, other learners and members of the public in respect of the current WSAPC equalities schemes and policies. It has been agreed that where the Positive handling Policy impacts on any people with whom we work or come into contact then:

- ✦ It does not disadvantage any group due to disability, age, race, religion, sexual orientation, or gender.
- ✦ It has taken into consideration the needs of people with a disability, the needs of various age groups, various racial groups, various religious groups, various sexual orientations and the different needs of men and women.

To ensure they do not act in a way that could leave them open to legal challenge, staff should ensure that sanctions are fair, reasonable and proportionate. Sanctions are more likely to promote positive behavior when pupils see them as fair. Staff are therefore advised that in implementing the WSAPC Positive handling Policy they should always:

- ✦ Make it clear that they are dealing with behavior, rather than stigmatising the person;



- ✦ Avoid early escalation to severe sanctions, reserving them for the most serious or persistent misbehavior.
- ✦ Avoid sanctions being cumulative and automatic. Sanctions should always take account of individual needs, age and understanding.
- ✦ Avoid whole-group sanctions that punish the innocent as well as the guilty.
- ✦ Whenever possible apply sanctions that are a logical consequence of the pupil's inappropriate behavior.
- ✦ Use sanctions to help the pupil and others learn from their mistakes and recognise how they can improve their behavior;
- ✦ Where possible, use sanctions to put right any harm caused.
- ✦ Never issue sanctions that are humiliating or degrading.
- ✦ Use sanctions in a calm and controlled manner.
- ✦ Ensure that sanctions are consistent. Pupils should know that a sanction, when mentioned, will be used.
- ✦ Link the concept of sanctions to the concept of choice, so pupils see the connection between their own individual behavior and its impact on themselves and others, so increasing responsibility for their own behavior.
- ✦ All sanctions must follow the agreed WSAPC behavior policy.

### **Complaints:**

WSAPC is committed to involving parents/carers when an incident occurs with their child. We have a clear policy about physical contact with pupils that staff members adhere to. This should help to avoid complaints from parents/carers, but this approach will not prevent all complaints. If there is a dispute about the use of force by a member of staff it might lead to an allegation made to the school, to other agencies or to the police. These will be dealt with in accordance with agreed policies and procedures for handling allegations against staff.

The possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action brought by a parent or pupil, cannot be ruled out. In those circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in all the circumstances. It would also be likely to take account of the school's policy on restraint, whether that had been followed, and the need to prevent injury, damage, or disruption, in considering all the circumstances of the case.

### **Review:**

The Governing Body is responsible for reviewing the application and effectiveness of the policy annually.



<b>ISSUED</b>	August 2017
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