

*Life in all its fullness*

## Positive Intervention Policy #3

The *Positive Intervention Policy* was reviewed during the Spring Term of 2017  
This document is the result of that review.

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REVIEW DATE:	June 2019
AUTHOR:	Mrs Kay Bridson & Miss Angela Britten
HEADTEACHER:	Mrs Kay Bridson
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SIGNED:	
TO BE READ IN CONJUNCTION WITH:	<p><i>Aims of the School</i>  <i>Health and Safety Policy</i>  <i>Behaviour for Life and Learning Policy</i>  <i>Intimate Care Policy</i>  <i>Personal, Social and Health Education and Citizenship Policy</i>  <i>Risk Assessment Policy</i>  <i>Security Policy,</i>  <i>Child Protection Policy</i>  <i>Medication for Pupils Policy</i></p> <p>This policy has been drawn up in response to the legislation contained in:</p> <p><i>Section 4 of the Education Act 1997</i>  <i>Section 93 of the Education and Inspections Act 2006</i>  <i>Section 131 of the School Standards and Framework Act 1998</i>  <i>Section 550(A) of the Education Act 1996</i></p>

# Stratford-sub-Castle Church of England VC Primary School

*Our mission is to promote LIFE IN ALL ITS FULLNESS*

*Our values are PEACE, LOVE and JOY*

*Our commitment to learning is to make it ACTIVE and RELEVANT*

## Positive Intervention Policy # 3

### Purpose:

The purpose of this document is

- to fulfil the aims of the school through a consistent approach to behaviour management
- to ensure all staff understand their role and responsibilities in using **appropriate force** whilst fulfilling their “duty of care” towards all our pupils.

This policy has been drawn up in response to the legislation contained in:

- **Section 4 of the Education Act 1997**
- **Section 93 of the Education and Inspections Act 2006**
- **Section 131 of the School Standards and Framework Act 1998**
- **Section 550(A) of the Education Act 1996**

### 1. The Law on the Use of Force

1.1 The law states that a member of school staff<sup>1</sup> may use such force as is reasonable in the circumstances to prevent a pupil from:

- a) committing any offence<sup>2</sup>,
- (b) causing personal injury to, or damage to the property of, any person (including the pupil him/herself),
- (c) engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils, whether that behaviour occurs during a teaching session or otherwise.

The above applies where a member of the staff of the school is:

- (a) on the premises of the school, or
- (b) elsewhere at a time when, as a member of its staff, s/he has lawful control or charge of the pupil concerned;

1.2. However, all adults in school are advised that they are not required by the school to restrain children under any circumstances.

1.3. There remains a common law and child protection 'duty of care' upon all adults in school to protect the wellbeing of all children within school, and to intervene as they personally feel appropriate in any given set of circumstances. The power of restraint operates separately to this common law duty of care and also separately to the common law power of any citizen to use reasonable force in self-defence.

### 2. Our Position Regarding the Use of Force/Restraint

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<sup>1</sup> “member of the school staff”, in relation to a school, means any teacher who works at the school and any other person who, with the authority of the head teacher, has lawful control or charge of pupils at the school

<sup>2</sup> “offence” includes anything that would be an offence but for the operation of any presumption that a person under a particular age is incapable of committing an offence

2.1 Staff at Stratford-sub-Castle school accept that physical intervention is only used as a **last resort** when the action is in self-defence; where there is a developing risk of injury; significant damage to property; or where a pupil is behaving in a way that is compromising good order and discipline. Other strategies and techniques will be used before the application of physical intervention. Please refer to our school's behaviour policy for further information on behaviour expectations and the means by which we seek to reduce the likelihood of situations occurring where the use of force may be necessary.

2.2 Teachers in the school are authorised to use reasonable force to control or intervene under the circumstances outlined above. Other individuals authorised at the headteacher's discretion are:

- Teaching Assistants
- Mid-day Supervisors
- Unpaid volunteers including parent volunteers

2.3 The headteacher will keep a record of who is authorised to use force in the school

2.4 Examples of situations where reasonable force might be appropriate are as follows:

- 1) when a pupil attacks a member of staff or pupil
- 2) when pupils are fighting
- 3) when a pupil is deliberately damaging property
- 4) when a pupil is causing or at risk of causing damage or injury by accident, by rough play or by misuse of dangerous materials or objects
- 5) when a pupil is behaving in a way that is seriously disrupting a lesson and may be dangerous to themselves or others
- 6) when a pupil persistently refuses to leave an area and whose actions may be dangerous to themselves or others

2.5. The power to intervene and prevent harm applies in classrooms, on the school premises or elsewhere when under school control.

2.6. Any physical intervention used will always be the minimum needed to achieve the desired result.

2.7. If any of the authorised people (as set out in point 2.2) are aware a situation is developing, the following steps will be taken in line with the school's behaviour policy:

- telling the pupil to stop, and informing them of the consequences should they continue
- warning the child that physical restraint will be used if they do not do as they are asked
- keeping calm and not giving the impression the authorised person may have lost their temper
- sending for assistance
- sending other children away if possible
- telling the pupil that the person is intervening to avoid them harming themselves, others or property. Where potential witnesses are present it is helpful if they also hear this explanation
- physical intervention should be an act of care and control
- use of only the minimum force necessary
- attempting to communicate with the child throughout the incident
- being sensitive of you're the authorised person's own strength and body weight and to issues of gender
- informing the Deputy Headteacher and Headteacher if they have not been involved
- recording the incident fully in the incident paperwork

2.8. Appropriate force includes:

- physically interposing between pupils
- blocking a pupil's path
- holding
- leading a pupil by the hand or arm
- shepherding a pupil away by placing a hand in the centre of the back

2.9 We will ensure that staff are aware of any individual behaviour plans or specific needs of pupils, especially for any pupils with disabilities, which may impact on the range, type and appropriateness of any physical intervention.

2.10 Detailed written reports of any occasions where force is used are kept in an incident book which is in the office. This includes:

- Date/Time/Place
- Pupil/pupils involved
- Reason force is used
- Details of what de-escalation steps were used before force was used
- What type of force was used
- Details of the incident
- The pupil's response
- Outcome of the incident
- Any injuries sustained
- Identities of witnesses
- Notes of pupil statement to independent adult (where appropriate)

An example of the form used to report an incident is contained in Appendix 1

2.11 The Headteacher keeps such written information securely and monitors the use of restraint (see Appendix 2 for an example of the log used to monitor such incidents). She may also be the first to exercise judgement on whether the restraint used was reasonable, having made initial inquiries, although other procedures will apply if queries or complaints arise.

2.12 The Headteacher advises the parent/guardian of any incident involving their child, either immediately or at the end of the day according to the seriousness of the incident.

2.13 Where a child or member of staff is assaulted or suffers injury as a consequence of using reasonable force or restraint they are advised to complete the accident book.

### **3. Touching in Other Circumstances**

3.1 We recognise that touch can often be an effective communication tool. For example:

- when demonstrating a PE skill
- when providing first aid
- comforting a child in distress
- when supporting a child with SEN
- when giving praise or congratulations

3.2 In such situations, staff will apply sound professional judgement – when touch is appropriate to avoid incidents or when contact could be misinterpreted.

## Appendix 1 - RECORD OF FORCE / INTERVENTIONS

### RECORD OF FORCE / INTERVENTIONS

**CHECK WITH THE DEPUTY HEAD OR HEADTEACHER PRIOR TO COMPLETING THESE FORMS**

Date of incident? .....

Where did the incident take place? .....

What time? .....

Name of Pupil/s involved: .....

.....

Was the Headteacher or Deputy Headteacher informed? Y / N

Who was informed and at what time?.....

Tick the reason why force was used

- 1) a pupil attacked a member of staff (*staff self-defence*)
- 2) when pupils were fighting (*duty of care*)
- 3) a pupil was deliberately damaging property (*health and safety, duty of care, self-defence*)
- 4) a pupil was causing or at risk of causing damage or injury by accident, by rough play / actions or by misuse of dangerous materials or objects (*health and safety, duty of care, self-defence*)
- 5) a pupil was behaving in a way that was seriously disrupting a lesson or the order of the school (*health and safety, duty of care, self-defence*)
- 6) a pupil persistently refused to leave an area (*health and safety, duty of care, self-defence*)
- 7) other. Please state below:

Describe the type of force that was used?.....

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.....  
.....

What de-escalation techniques were used before during and after the incident? (talking, listening, persuading, ignoring, asking, stating dangers / consequences etc)

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Give further details of the incident: .....

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How did the pupil respond? (e.g. positively? how? Reluctantly? how? Negatively? how?)

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.....

Did anyone else witness the incident? If so please give their names:

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What was the outcome of the incident? .....

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Were there any injuries? Y / N

If yes please give details: .....

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The pupil must be spoken to by an independent (not involved with the incident) adult regarding the incident. What did the pupil say and state the name of the adult that spoke to them? (Why did they do what they did? Do they understand why force was used? Was it explained to them? How do they feel? Do they have any injuries etc)

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## Headteacher / Deputy Headteacher report:

Consider the following:

- Parent / guardian / carer / Chair Of Governors must be informed. State when and who was informed.
- Was force justified? Y / N (state why and if no CP procedures must be initiated)
- Are there any medical SEN factors that need to be taken in to account
- What sanctions need to be put in to place? State sanctions, inform staff and consider an individual behaviour management plan
- Analyse for UOF log and other information for any trends
- Print name, sign and date form
- Inform staff of outcomes
- Enter on log

**Appendix 2 – Log**

STRATFORD-SUB-CASTLE USE OF FORCE LOG							
LOG REF NUMBER	DATE	PUPILS NAMES	STAFF INVOLVED	INJURIES Y / N	CHILD PROTECTION ISSUES Y / N	DEPUTY HEADTEACHER TO SIGN/DATE	HEATEACHER TO SIGN/DATE



## **Appendix 3 – Guidance & Statutory Information**

### **Teachernet.gov.uk says:**

*Provisions concerning the use of force to restrain pupils can be found section 550(A) of the **Education Act 1996**, as inserted by section 4 of the **Education Act 1997**. This provision was extended to include all schools by section 131 of the **School Standards and Framework Act 1998**, also **Section 93 of the Education and Inspections Act 2006** See attached extracts*

All schools should have a policy on the use of force to control or restrain pupils. The head teacher should ensure that this is included in the school's discipline policy, making it clear to staff, parents and pupils what is acceptable and what is not.

The **Education Act 1996** forbids corporal punishment, but allows all teachers to use reasonable force to prevent a pupil from:

- committing a criminal offence
- injuring themselves or others
- damaging property
- acting in a way that is counter to maintaining good order and discipline at the school.

The Act does not cover more extreme cases, such as action in self-defence or in an emergency, when it might be reasonable for someone to use a degree of force.

Staff other than teachers and volunteer helpers are also able to use force if necessary, provided they have been authorised by the head teacher to have control or charge of pupils. People with such authorisation might include teaching assistants, midday supervisors, specialist support assistants, education welfare officers, people accompanying pupils on visits, etc. Headteachers should keep an up-to-date list of authorised people and may find it helpful to provide training or guidance to ensure that everyone is clear on the policy.

### **Records**

Detailed and up-to-date records should also be kept of any incidents where force is used. It is always advisable to inform parents of such an incident and to allow an opportunity to discuss it.

Records of incidents should include the following information:

- the name(s) of the pupil(s) involved
- when and where the incident took place
- why the use of force was deemed necessary
- details of the incident, including all steps taken to diffuse the situation and resolve it without force and the nature of the force used
- the pupil's response
- the outcome of the incident
- a description of any injuries suffered by the pupil or others and/or any property damaged during the incident.

- The DCSF is legislating on making statutory the recording of significant incidents involving use of force by staff on pupils and for the reporting of such incidents to parents in the Apprenticeships, Skills, Children and Learning Bill. It is anticipated that this new duty will come into effect in autumn 2010.

**Section 4 of the Education Act 1997:**

Power of members of staff to restrain pupils.

After section 550 of the **M1**Education Act 1996 there shall be inserted—

*“ Power to restrain pupils*

550A Power of members of staff to restrain pupils.

(1) A member of the staff of a school may use, in relation to any pupil at the school, such force as is reasonable in the circumstances for the purpose of preventing the pupil from doing (or continuing to do) any of the following, namely—

(a) committing any offence,

(b) causing personal injury to, or damage to the property of, any person (including the pupil himself), or

(c) engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils, whether that behaviour occurs during a teaching session or otherwise.

(2) Subsection (1) applies where a member of the staff of a school is—

(a) on the premises of the school, or

(b) elsewhere at a time when, as a member of its staff, he has lawful control or charge of the pupil concerned;

but it does not authorise anything to be done in relation to a pupil which constitutes the giving of corporal punishment within the meaning of section 548.

(3) Subsection (1) shall not be taken to prevent any person from relying on any defence available to him otherwise than by virtue of this section.

(4) In this section—

- “member of the staff”, in relation to a school, means any teacher who works at the school and any other person who, with the authority of the head teacher, has lawful control or charge of pupils at the school;
- “offence” includes anything that would be an offence but for the operation of any presumption that a person under a particular age is incapable of committing an offence.”

**Section 93 of the Education and Inspections Act 2006**

93 Power of members of staff to use force

(1) A person to whom this section applies may use such force as is reasonable in the circumstances for the purpose of preventing a pupil from doing (or continuing to do) any of the following, namely—

(a) committing any offence,

(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.

(2) This section applies to a person who is, in relation to a pupil, a member of the staff of any school at which education is provided for the pupil.

(3) The power conferred by subsection (1) may be exercised only where—

(a) the member of the staff and the pupil are on the premises of the school in question, or

(b) they are elsewhere and the member of the staff has lawful control or charge of the pupil concerned.

(4) Subsection (1) does not authorise anything to be done in relation to a pupil which constitutes the giving of corporal punishment within the meaning of section 548 of EA 1996.

(5) The powers conferred by subsection (1) are in addition to any powers exercisable apart from this section and are not to be construed as restricting what may lawfully be done apart from this section.

(6) In this section, “offence” includes anything that would be an offence but for the operation of any presumption that a person under a particular age is incapable of committing an offence.

**Section 131 of the School Standards and Framework Act 1998.**

131 Abolition of corporal punishment in schools etc.

(1) For section 548 of the **M1** Education Act 1996 there shall be substituted—

“548 No right to give corporal punishment.

(1) Corporal punishment given by, or on the authority of, a member of staff to a child—

(a) for whom education is provided at any school, or

(b) for whom education is provided, otherwise than at school, under any arrangements made by a local education authority, or

(c) for whom specified nursery education is provided otherwise than at school,

cannot be justified in any proceedings on the ground that it was given in pursuance of a right exercisable by the member of staff by virtue of his position as such.

(2) Subsection (1) applies to corporal punishment so given to a child at any time, whether at the school or other place at which education is provided for the child, or elsewhere.

(3) The following provisions have effect for the purposes of this section.

(4) Any reference to giving corporal punishment to a child is to doing anything for the purpose of punishing that child (whether or not there are other reasons for doing it) which, apart from any justification, would constitute battery.

(5) However, corporal punishment shall not be taken to be given to a child by virtue of anything done for reasons that include averting—

(a) an immediate danger of personal injury to, or

(b) an immediate danger to the property of,

any person (including the child himself).

(6) “Member of staff”, in relation to the child concerned, means—

(a) any person who works as a teacher at the school or other place at which education is provided for the child, or

(b) any other person who (whether in connection with the provision of education for the child or otherwise)—

(i) works at that school or place, or

(ii) otherwise provides his services there (whether or not for payment),

and has lawful control or charge of the child.

(7) “Child” (except in subsection (8)) means a person under the age of 18.

(8) “Specified nursery education” means full-time or part-time education suitable for children who have not attained compulsory school age which is provided—

(a) by a local education authority; or

(b) by any other person—

(i) who is (or is to be) in receipt of financial assistance given by such an authority and whose provision of nursery education is taken into account by the authority in formulating proposals for the purposes of section 120(2)(a) of the School Standards and Framework Act 1998, or

(ii) who is (or is to be) in receipt of grants under section 1 of the **M2** Nursery Education and Grant-Maintained Schools Act 1996; or

(c) (otherwise than as mentioned in paragraph (a) or (b)) in any educational institution which would fall within section 4(1) above (definition of “school”) but for the fact that it provides part-time, rather than full-time, primary education.”

**Education Act 1996 Section 550 (A):**

*(1) A member of the staff of a school may use, in relation to any pupil at the school, such force as is reasonable in the circumstances for the purpose of preventing the pupil from doing (or continuing to do) any of the following, namely—*

*(a) committing any offence,*

*(b) causing personal injury to, or damage to the property of, any person (including the pupil himself), or*

*(c) engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils, whether that behaviour occurs during a teaching session or otherwise.*

*(2) Subsection (1) applies where a member of the staff of a school is—*

*(a) on the premises of the school, or*

*(b) elsewhere at a time when, as a member of its staff, he has lawful control or charge of the pupil concerned;*

*but it does not authorise anything to be done in relation to a pupil which constitutes the giving of corporal punishment within the meaning of section 548.*

*(3) Subsection (1) shall not be taken to prevent any person from relying on any defence available to him otherwise than by virtue of this section.*

*(4) In this section—*

*“member of the staff”, in relation to a school, means any teacher who works at the school and any other person who, with the authority of the head teacher, has lawful control or charge of pupils at the school;*

*“offence” includes anything that would be an offence but for the operation of any presumption that a person under a particular age is incapable of committing an offence.]*