



Mayesbrook Park School

Alternative Provision for young people in Barking and Dagenham

Safeguarding Children in Education
Keeping Learners and Staff Safe Policy
Dealing with Challenging Behaviour in
Schools, and action in relation to the Education
Act 1996

July 2017

KEEPING LEARNERS AND STAFF SAFE POLICY

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Name of school: Mayesbrook Park School (MPS); KEEPING LEARNERS AND STAFF SAFE POLICY: (Including the Management of Allegations against Staff and Volunteers);

This policy should be read in conjunction with the [Safeguarding](#) and [Behaviour](#) policies.

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This policy should be read in conjunction with MPS Safeguarding & Child Protection Policy and Centre Behaviour Policies Introduction

Please note: ‘references to “maintained school” means a community, foundation or voluntary school, community or foundation special school. It also means Pupil Referral Units and non-maintained special schools (Ref: DFE Update January 2016 Behaviour and discipline in schools. Advice for head teachers and school staff and Use of reasonable force Advice for head teachers, staff and governing bodies July 2013)

1 Policy Aim

This policy is designed to help staff understand how to deal as safely as possible with challenging behaviour as defined by S. 550A Education Act 1996 and the revised guidance issued in 2007 and 2011.

2. Positive Behaviour Management

One of the most effective management strategies in schools has been shown to be careful planning to prevent difficulties arising. These preventative strategies create a context where acceptable behaviour is positively encouraged and where misbehaviour is reduced. An ethos is developed which emphasises co-operation, responsibility, concern for others and self-respect.

Learners clearly know what kind of atmosphere they prefer in school and what they expect of a ‘good teacher’. Research has shown that over a range of ages children produce a very similar list of characteristics which they look for in adults who work with them.

Children want adults to:

- treat them as a person
- help them learn and feel confident
- make the day a pleasant one
- be just and fair
- have a sense of humour

and not to:

- ☐ get upset or angry in the face of misbehaviour

Although they want this for themselves they also want it for other children because it makes the learning situation so much more comfortable.

It is apparent that children prefer a relaxed yet purposeful atmosphere where the adults are safely in control and where they can get on successfully with their learning and be acknowledged as people who matter.

Research has shown that the way learners feel about themselves and their abilities is very much affected by teachers’ evaluation of their worth and that these feelings influence the way they perceive the authority of the school. It seems that where learners feel they are valued they respect adults and accept their authority.

3. What the law means in relation to the use of “reasonable force”

Where positive behaviour management strategies are not working with a pupil and their behaviour is becoming more challenging, then it is important for staff to know:-

- a) that safety is of paramount importance
- b) that the safety of both pupil and staff member is of equal importance
- c) that as a staff member he or she does have rights under the Education Act
- d) that the Head and Governors will support them if they have tried to follow this policy and the training provided

What the law means in relation to the use of “reasonable force”

Section 550A of the Education Act 1996: <http://www.legislation.gov.uk/ukpga/1996/56/section/550A> allows teachers, and other persons who are authorised by the Head teacher to have control or charge of learners, to use such force as is reasonable to prevent a pupil from doing, or continuing to do, any of the following:

Committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility (10 Years www.gov.uk/age-of-criminal-responsibility

- I. Injuring themselves or others;
- II. Causing damage to property (including the pupil’s own property);
- III. Engaging in any behaviour prejudicial to maintaining good order and discipline at the **centre** or among any of its learners, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

The provision applies when a teacher, or other authorised person, is on the **centre** premises, or when he or she has lawful control of the pupil concerned elsewhere e.g. on a field trip or other out of **centre** activity.

3.1 Who can use force?

The Act allows teachers at school to use reasonable force to control or restrain learners. It also allows other people to do so, in the same way as teachers, provided they have been authorised by the Head of Centre to have control or charge of learners. Those might include classroom assistants, care workers, midday supervisors, specialist support assistants, education welfare officers, escorts, caretakers or voluntary helpers including people accompanying learners on visits, exchanges or holidays organised by the **centre**.

Head teachers should identify people, other than teachers, whom they wish to authorise to have control or charge of learners and therefore be able to use force if necessary. Authorisation may be on a permanent or long-term basis because of the nature of the person’s job, or short term for a specific event such as a school trip.

4. What is “reasonable force”?

Section 550 a) 1996 Education Act allows staff to use “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 the circumstances of the case.

There are 2 relevant considerations when staffs are faced with serious challenging behaviour from a pupil:

- I. The use of force can be regarded as reasonable if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force, e.g. physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.
- II. The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result. However, the more serious the behaviour e.g. assault; the greater the use of force may be justifiable.

The degree of force that could reasonably be employed might also depend on the age, understanding, and sex of the pupil.

Before intervening physically a staff member should, wherever practicable, tell the pupil who is misbehaving to stop, and what will happen if she or he does not. The staff member should continue attempting to communicate with the pupil throughout the incident, and should make it clear that holding or restraint will stop as soon as it ceases to be necessary.

A calm and measured approach to a situation is preferable and staff members should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

5. Self Defence

Section 550A does not cover all the situations in which it may be reasonable for someone to use a degree of force i.e. under UK law, everyone has the right to defend him or herself against an attack provided they do not use a disproportionate degree of force to do so. Similarly, if for example a pupil was assaulting another pupil or member of staff; any member of staff would be entitled to use "reasonable force" to defend that person. The aim of self defence is to get away to get help. Self defence differs from retaliation and punishment.

6. The Application of "Reasonable Force"

It is not possible to offer advice for every type of challenging behaviour, but staff might use "Reasonable Force" to:-

- a) guide/shepherd a pupil away using positive touch
- b) turn a pupil who is assaulting or threatening to assault someone else
- c) with a colleague, hold a pupil
- d) if necessary, with a colleague, restrain a pupil

Staff are advised to avoid the following as they may be judged to be unreasonable:-

- e) holding a pupil round the neck or by the collar or in any other way which might restrict the pupil's ability to breathe
- f) slapping, punching or kicking a pupil
- g) twisting or forcing limbs against the joint
- h) holding a pupil by the hair or ear
- i) touching or holding a pupil in a way that may be considered indecent
- j) holding a pupil face down on the ground

If a pupil is threatening to use a weapon; the best advice is to:-

- a) create space between pupil and self
- b) ask/instruct the pupil to put the weapon down
- c) create a barrier between the pupil and self/or get away and call for help

All the advice in sections 3,4,5 and 6 means that in order to keep a pupil or themselves safe, staff have to make a judgement whether to:-

- a) continue to try to calm, defuse, divert or de-escalate the behaviour they are facing.
- b) leave the situation, perhaps taking other learners too.
- c) with the help of a colleague, hold or restrain the pupil or
- d) defend themselves and leave the situation

The physical skills needed to try to safely hold, restrain or defend staff will be those which apply in the Team Teach programme: <http://www.team-teach.co.uk/> in which all MPS staff are trained. .

7. Planning for Challenging Behaviour

Obviously some situations may need immediate action but if the **centre** is aware that a pupil is likely to behave in a way that may require holding or restraint, it will be sensible to plan how to respond if the situation arises. Such planning needs to address:

- a risk assessment of the pupil's behaviour
- positive Behaviour Management Strategies for the pupil
- preventative strategies and skills to calm, defuse, divert or de-escalate the behaviour. This may include a Positive handling Plan (PHP)
- briefing staff to ensure they know what holding or restraint skills may be needed
- ensuring that additional support can be summoned quickly if appropriate, especially if the pupil may need to be held or restrained
- involving the parents to ensure that they are clear about what specific action the school might need to take

8. Physical Contact with Learners in other Circumstances

There are occasions when physical contact with a pupil may be proper or necessary other than those covered in this policy. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching or design technology, or if a member of staff has to give first aid. Young children and children with special educational needs may need staff to provide physical prompts or help. Touching may be appropriate where a pupil is in distress and needs comforting. Members of staff must use their own professional judgement when they feel a pupil needs this kind of support.

Physical contact with learners becomes increasingly open to question as learners reach and go through adolescence, and staff should bear in mind that even innocent and well intentioned physical contact can sometimes be misconstrued. It is advisable and much safer for all concerned that physical contact as comfort is made in the vicinity of others.

9. Code of Conduct for Staff (ref: LBBB Constitution Part 5, Chapter 4-Employee Code of Conduct Nov '14)

In order to meet the requirements of safeguarding, members of staff should not:-

- give out details of personal accounts on social networking sites such as Facebook, or Twitter engage in any financial transactions with learners □ give lifts to learners in their cars
- give personal telephone numbers to learners. In some circumstances where this may be necessary then a personal contact log should be kept of contacts with learners giving dates, reason and outcome.
- have meetings with learners in secluded areas. Ensure visual access and/or open door in 1 to 1 situations and avoid 'engaged' signs.

10. Recording Incidents

10.1 All **MPS** centres should keep a record of use of force to hold or restrain using the restraint reporting form (**known as the Bound Book**) It is important that there is a prompt and detailed written report of any occasion (except minor or trivial incidents) where force is used. It may help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint. All reports should be returned to the Head of **Centre** via the Bound Book.

10.2 Incidents involving the use of force can cause the parents of the pupil involved great concern. It is always advisable to inform parents of an incident involving their child, and give them an opportunity to discuss it. The Head teacher, or member of staff to whom the incident is reported, will need to consider whether that should be done straight away or at the end of the **centre** day, and whether parents should be told orally or in writing.

10.3 Incidents involving injury to staff must be recorded on the LBBB Health and Safety form. Heads of centre are required to monitor all accident and incident reports periodically and report to the LA via the HR portal.

Copies of restraint reports and accident and incident forms from all MPS Centres will be reviewed by the Head of MPS Annie Blackmore via line management of heads of centre.

11. Complaints

Involving parents when an incident occurs with their child, plus a clear policy about physical contact with learners that staff adheres to should help to avoid complaints from parents.

It will not prevent all complaints, however, and the possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action brought by a pupil or parent, cannot be ruled out. In any of these exceptional circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in the circumstances.

Where a parent complains that unreasonable force has been used we will follow the LLBD complaints procedure.

12. Support and Debriefing

Being involved in dealing with challenging behaviour is often an unsettling experience for learners, staff and Heads. There is a need to provide appropriate support, including:-

- a) Immediate Support to allow the staff member to talk about their feelings and to check they are not injured
- b) Debriefing 24-72 hours after the event to allow discussion of what happened by the staff involved and what lessons can be learned for the future. It is important that the approach is to find out what learning can take place not what could/should have been done differently or to apportion blame.
- c) Counselling may be needed to provide staff with help to deal with the long term effects of violence and aggression

It is required that at times staff may have to make very quick decisions about how to deal with challenging behaviour under great pressure. **MPS** does not expect staff to “get it right” in every conceivable situation. It does expect them to act reasonably and responsibly, balancing the safety of learners with their own safety. Both are of equal importance.

Appendix A

Definition of 'violence and aggression'

This definition is based on advice from the UK Health and Safety Executive.

Violence and aggression is defined as:-

'any incident in which an employee is abused, threatened or assaulted by another person in circumstances arising out of the course of his or her employment'

Examples of behaviour that would be classed as 'violence' or 'aggression'

- Kicking
- Biting
- Punching
- Poking
- Spitting
- Scratching
- Butting
- Tripping
- Actions that restrict movement
- Unwanted physical contact which results in no injury
- Use of weapons
- Use of missiles
- Swearing
- Other verbal or written abuse which causes personal offence or distress
- Sexual, racial or other harassment
- Bullying
- Intimidation
- Damage to personal property

Other aggressive behaviour

- Shouting
- Posturing
- Gestures
- Insults
- Innuendo
- Unreasonable demands
- Blackmail

Annex Section 550A of the Education Act 1996

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 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 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.