

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Fields Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

Behaviour and Discipline Policy inc. Use of Reasonable Force

Allens Croft, Jakeman and Shenley Fields Nursery Schools

Named staff for this policy:

Allens Croft Nursery School – Laura O’Neil (Head of School)

Jakeman Nursery School – Janine Maidment (Nursery Manager)

Shenley Fields Nursery School – Louise Shepherd (Head of School)

Within our Federation of schools we believe that, in order for a child to feel secure, one of the essential requirements which he or she needs is a framework of guidelines within which to operate.

We base these guidelines on the promotion of self-discipline undertaken because of an awareness of others and their needs. These basic premises guide and develop the environment and ethos.

Curriculum and Prospectus Statement

Within our federation of schools, we value all of our children and families. We celebrate our rich cultural and religious diversity and promote mutual respect. We are an inclusive setting and our ethos and curriculum enables children to be independent learners, making choices and building strong relationships particularly with their peers. We encourage this by structuring the environment and timetable to enable

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School Kings Norton Nursery School Lillian De Lissa Nursery School Adderley Nursery School
Jakeman Nursery School Selly Oak Nursery School St Thomas Centre Nursery School Gracelands Nursery School
Shenley Fields Nursery School Weoley Castle Nursery School Newtown Nursery School Highfield Nursery School

individual, paired, small and large group activity. We have certain rules that children and adults must follow. Thus enabling a safe learning environment. All of these form our framework for promoting British Values, Democracy, the Rule of Law, Individual Liberty, Mutual Respect and tolerance of those of different faith and beliefs.

This has a number of benefits for our federation of schools:

Safety of pupils, staff and parents/ carers; also see 'Safeguarding Prevention and Awareness Guidance'.

A clear routine is maintained to give security for the children;

The ensuring of effective teaching taking place by promoting this type of ethos and environment. As staff teams, we promote this ethos by:

Being aware of parents/ carers as the children's first educators and building upon what the child already knows and understands, and by being aware of cultural diversity in the home (Keeping Children Safe in

Education see Appendix 1, Promoting British Values);

By being sensitive about the change from the home to the school environment.

By involving parents/ carers at every stage and making sure that we communicate our policies effectively to them;

By the teaching and learning of new skills, concepts and knowledge through our Early Years curriculum and through different ways in which we deliver that curriculum, e.g., story, role play etc.

By staff modelling and expecting a high standard of politeness in both speech and behaviour;

By building on the children's independence skills by creating a positive

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Fields Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

environment in which children learn through active enjoyment;

By praising and using positive language for good behaviour;

By having a routine which ensure the children feel secure, safe and have perimeters within which to work;

By dealing with inappropriate behaviour in a calm and consistent way;

By staff being aware that flexibility is the key approach when working with young children, e.g., some children may need more attention than others in order to behave appropriately;

By recognising that children with Special Needs will need individual behaviour modification programmes linked to 'The Code of Practice' and Special Educational Needs Local offer The staff, by working in this way, expects the children within our schools to:

Care about each other;

Share with each other;

Respond positively to staff;

Respect property;

Build on and develop basic moral values of right and wrong;

Follow practical rules within school.

Code of Conduct statement for all staff

Within our federated schools all adults in our community of learning adhere to the following statements:

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Fields Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

Democracy: Everyone has a voice and a say in what we do and how we do it

Mutual Respect: We admire and acknowledge everyone's abilities, qualities and achievements

Liberty: We have the freedom to make our own choices

Tolerance: We accept that everyone has a right to their own views and opinions

Rule of Law: We have community rules and practices which keeps our learning community safe and a code of conduct for all adults working within our service. Inappropriate behaviour to another person is dealt with in the following ways:

1. We ask the child to look at the person they have hurt or upset and apologise.
2. We take time to discuss with the child why an apology is needed and if there is any further positive action that he or she can take to make good any hurt or damage;
3. We do not dwell on the negative things done, but talk about and choose a course of action which will engender a positive feeling. We ensure that it is the child's behaviour that we do not approve of, not the child his / herself.
4. If the above course of action does not have a lasting result, or the child is seen to be a risk to others' safety or feelings of security, then the next step is to withdraw the child's choice of free activity and the child will work on the adult directed activity alongside a member of staff until the child has regained some self-discipline in his/her behaviour.
5. Parents are fully informed and supported within any discussions on their children's behaviour and, should a child need a more detailed and

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School Kings Norton Nursery School Lillian De Lissa Nursery School Adderley Nursery School
Jakeman Nursery School Selly Oak Nursery School St Thomas Centre Nursery School Gracelands Nursery School
Shenley Fields Nursery School Weoley Castle Nursery School Newtown Nursery School Highfield Nursery School

supportive behaviour programme, Nursery staff will work in a collaborative way to achieve this by using praise as rewards for positive behaviour. Parents/ carers are encouraged to report on progress and on especially 'good' rather than negative aspects of their child's behaviour.

6. If a child consistently hurts another person and needs to be physically removed or restrained, on a more regular basis this will be discussed with parents/ carers. They will then be asked to sign a Positive Handling Agreement which works alongside the 'Use of Reasonable Force' Policy.

Peer on Peer Abuse

All staff will receive training on peer on peer abuse as part of an annual update.

We will adopt the 'whole school approach' to tackling sexism.

We fully understand that even if there are no reports of peer on peer abuse in school it may be happening. As such all our staff and children are supported to:

- be alert to peer on peer abuse (including sexual harassment);
- understand how the school views and responds to peer on peer abuse
- stay safe and be confident that reports of such abuse will be taken seriously.

We will not tolerate instances of peer on peer abuse and will not pass it off as "banter", or "part of growing up".

We will recognise that "child on child abuse" can occur between and across different age ranges.

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School Kings Norton Nursery School Lillian De Lissa Nursery School Adderley Nursery School
Jakeman Nursery School Selly Oak Nursery School St Thomas Centre Nursery School Gracelands Nursery School
Shenley Fields Nursery School Weoley Castle Nursery School Newtown Nursery School Highfield Nursery School

We will follow both national and local guidance and policies to support any children subject to peer on peer abuse.

We will follow the guidance on managing reports of child-on-child sexual violence and sexual harassment in schools.

We will utilise the **Children who pose a Risk to Children School Safety Plan** produced by the local authority.

Our DSL will follow the local good practice guide [“Responding to Sexual Behaviour in Children and Young People”](#) to enable provision of effective support to any child affected by this type of abuse.

In assess and responding to harmful sexualised behaviour we will follow the local Good Practice Guidance: Responding to Sexual Behaviour in Children and Young People-A Whole School Approach- 2021

[Responding to Sexual Behaviour in Children and Young People - A Whole School Approach 2021](#)

COVID-19

We will consider:

- the mental health, pastoral or wider wellbeing support children may need, including with bereavement.
- how to support them to transition into the setting after a long period of absence.
- the [guidance for parents and carers on supporting children and young people’s mental health and wellbeing during the coronavirus outbreak](#) as a starting point.
- any appropriate instruction and training needed on identifying

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Fields Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

and supporting vulnerable children and parents and carers that return to the setting, for example, by signposting to appropriate local services such as mental health, domestic abuse or substance abuse services.

- how best to work with other providers to actively look for signs of harm as appropriate.
- how vulnerable children, who are currently attending the setting, continue to have their needs met and to be supported as the setting takes on more children.

Date Policy Adopted:

Local Committee: 7.12.2021

Full Governing Body: 15.11.2021

Date for next renewal: Autumn Term 2022

Signed: _____

Sean Delaney

Chair of Govenors

Signed: _____

David Aldworth

Executive Head Teacher

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School Kings Norton Nursery School Lillian De Lissa Nursery School Adderley Nursery School
Jakeman Nursery School Selly Oak Nursery School St Thomas Centre Nursery School Gracelands Nursery School
Shenley Fields Nursery School Weoley Castle Nursery School Newtown Nursery School Highfield Nursery School

Appendices:

Appendix 1:

Positive Handling Agreement

If staff become aware of, or have need to become involved in situations where a child may be at risk of hurting themselves or others, or, the behaviour of a child seriously disrupts the good order in our federated schools, or causes damage to property, staff may need to take steps to intervene physically. In such circumstances, staff will follow the agreed contract below.

Positive Handling agreement for..... (Name of child)

D.O.B: / /

This supports the federated schools 'Behaviour' and "Use of Reasonable Force' Policies.

All staff have a responsibility to ensure children are safe and to intervene in any inappropriate behavior. This may involve lifting a child away from the risk to ensure their safety. (Please see our 'Use of Reasonable Force Policy').

This may involve

Holding..... hand and leading him / her away from the situation.

Picking..... up and carrying him / her to a more appropriate place.

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Fields Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

Additional Strategies: If any of these strategies are employed

..... will be reassured in a calm manner, ensuring he / she is comfortable and feels safe at all times.

All members of staff may need to carry out any of the above measures. However, if behavior escalates and there is a need to ensure the safety of the child or other children/adults being hurt, the environment being damaged or the disruption of the environment for other children then the appropriately trained staff will be involved.

- Gently but firmly holding....., to prevent him/her from moving from an area or
- Moving..... Elsewhere
- Placing on the floor in a safe place in order for him to calm down.

Parent/ Carer Agreement:

I agree to the above to ensure both..... and others are safe and comfortable within our federated schools and to build up on a positive learning experience for.....

Parent/ Carer Name:Parent/ Carer Signature.....

Date of Agreement:

Relationship to the child:

Staff Member's Name:

Staff Member's Signature:

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Fields Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

Date: / /

Appendix 2:

Use of reasonable force

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Fields Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

Advice for Head Teachers, Staff and Governing Bodies July 2013

Contents

Summary

About this departmental advice

Expiry or review date

Who is this advice for?

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Fields Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

Key points

Who can use reasonable force?

When can reasonable force be used?

Schools can use reasonable force to:

Schools cannot:

Power to search pupils without consent:

Communicating the school's approach to the use of force

Using force

Staff training

Telling parents when force has been used on their child

What happens if a pupil complains when force is used on them?

What about other physical contact with pupils?

Frequently Asked Questions

Further sources of information

Summary

About this departmental advice

This is non-statutory advice from the Department for Education. It is intended to provide clarification on the use of force to help school staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of Head Teachers and governing bodies in respect of this power.

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Fields Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

Expiry or review date

This advice will be kept under review and updated as necessary.

Who is this advice for?

- School leaders and school staff in all schools in England.

1 “All schools” include Academies, Free Schools, independent schools and all types of maintained schools

Key points

- School staff have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- Suspension should not be an automatic response when a member of staff has been accused of using excessive force.
- Senior school leaders should support their staff when they use this power.

What is reasonable force?

1. The term ‘reasonable force’ covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
2. Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
3. ‘Reasonable in the circumstances’ means using no more force than is needed.

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Fields Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

4. As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.

5. Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

6. School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

Who can use reasonable force?

- All members of school staff have a legal power to use reasonable force².
- This power applies to any member of staff at the school. It can also apply to people whom the Head Teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

² Section 93, Education and Inspections Act 2006

When can reasonable force be used?

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control pupils or to restrain them.
- The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

<i>Allens Croft Nursery School</i>	<i>Kings Norton Nursery School</i>	<i>Lillian De Lissa Nursery School</i>	<i>Adderley Nursery School</i>
<i>Jakeman Nursery School</i>	<i>Selly Oak Nursery School</i>	<i>St Thomas Centre Nursery School</i>	<i>Gracelands Nursery School</i>
<i>Shenley Fields Nursery School</i>	<i>Weoley Castle Nursery School</i>	<i>Newtown Nursery School</i>	<i>Highfield Nursery School</i>

- The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

Schools can use reasonable force to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot:

- use force as a punishment – it is always unlawful to use force as a punishment.

Power to search pupils without consent

In addition to the general power to use reasonable force described above, Head Teachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”³:

³ Section 550ZB(5) of the Education Act 1996

- knives and weapons
- alcohol
- illegal drugs

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

<i>Allens Croft Nursery School</i>	<i>Kings Norton Nursery School</i>	<i>Lillian De Lissa Nursery School</i>	<i>Adderley Nursery School</i>
<i>Jakeman Nursery School</i>	<i>Selly Oak Nursery School</i>	<i>St Thomas Centre Nursery School</i>	<i>Gracelands Nursery School</i>
<i>Shenley Fields Nursery School</i>	<i>Weoley Castle Nursery School</i>	<i>Newtown Nursery School</i>	<i>Highfield Nursery School</i>

- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Force cannot be used to search for items banned under the school rules.

Separate guidance is available on the power to search without consent – see the ‘Further sources of information’ section for a link to this document.

Communicating the school’s approach to the use of force

- Every school is required to have a behaviour policy and to make this policy known to staff, parents and pupils. The governing body should notify the Head Teacher that it expects the school behaviour policy to include the power to use reasonable force.
- There is no requirement to have a policy on the use of force but it is good practice to set out, in the behaviour policy, the circumstances in which force might be used. For example, it could say that teachers will physically separate pupils found fighting or that if a pupil refuses to leave a room when instructed to do so, they will be physically removed.
- Any policy on the use of reasonable force should acknowledge their legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

<i>Allens Croft Nursery School</i>	<i>Kings Norton Nursery School</i>	<i>Lillian De Lissa Nursery School</i>	<i>Adderley Nursery School</i>
<i>Jakeman Nursery School</i>	<i>Selly Oak Nursery School</i>	<i>St Thomas Centre Nursery School</i>	<i>Gracelands Nursery School</i>
<i>Shenley Fields Nursery School</i>	<i>Weoley Castle Nursery School</i>	<i>Newtown Nursery School</i>	<i>Highfield Nursery School</i>

- Schools do not require parental consent to use force on a student.
- Schools should not have a 'no contact' policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a pupil, or prevent them taking action needed to prevent a pupil causing harm.
- By taking steps to ensure that staff, pupils and parents are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used properly.

Using force

- A panel of experts⁴ identified that certain restraint techniques presented an unacceptable risk when used on children and young people. The techniques in question are:
 - the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
 - the 'double basket-hold' which involves holding a person's arms across their chest; and
 - the 'nose distraction technique' which involves a sharp upward jab under the nose.

Staff training

- Schools need to take their own decisions about staff training. The Head Teacher should consider whether members of staff require any additional training to enable them to carry out their responsibilities and should consider the needs of the pupils when doing so.
- Some local authorities provide advice and guidance to help schools to develop an appropriate training programme.

Telling parents when force has been used on their child

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

<i>Allens Croft Nursery School</i>	<i>Kings Norton Nursery School</i>	<i>Lillian De Lissa Nursery School</i>	<i>Adderley Nursery School</i>
<i>Jakeman Nursery School</i>	<i>Selly Oak Nursery School</i>	<i>St Thomas Centre Nursery School</i>	<i>Gracelands Nursery School</i>
<i>Shenley Fields Nursery School</i>	<i>Weoley Castle Nursery School</i>	<i>Newtown Nursery School</i>	<i>Highfield Nursery School</i>

- It is good practice for schools to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents. It is up to schools to decide whether it is appropriate to report the use of force to parents⁵.
- In deciding what is a serious incident, teachers should use their professional judgement and consider the:
 - pupil's behaviour and level of risk presented at the time of the incident;
 - degree of force used;
 - effect on the pupil or member of staff; and
 - the child's age.
- References to parent or parents are to fathers as well as mothers, unless otherwise stated.

What happens if a pupil complains when force is used on them?

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.
- Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance (see the ‘Further sources of information’ section below) where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.
- Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Fields Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

- If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.
- Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.
- As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

What about other physical contact with pupils?

- It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.
- Examples of where touching a pupil might be proper or necessary:
 - Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
 - When comforting a distressed pupil;
 - When a pupil is being congratulated or praised;
 - To demonstrate how to use a musical instrument;
 - To demonstrate exercises or techniques during PE lessons or sports coaching; and
 - To give first aid.

Frequently Asked Questions

Q: I'm worried that if I use force a pupil or parent could make a complaint against me. Am I protected?

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School Kings Norton Nursery School Lillian De Lissa Nursery School Adderley Nursery School
Jakeman Nursery School Selly Oak Nursery School St Thomas Centre Nursery School Gracelands Nursery School
Shenley Fields Nursery School Weoley Castle Nursery School Newtown Nursery School Highfield Nursery School

A: Yes, if you have acted lawfully. If the force used is reasonable all staff will have a robust defence against any accusations.

Q: How do I know whether using a physical intervention is 'reasonable'?

A: The decision on whether to physically intervene is down to the professional judgement of the teacher concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result. School staff should expect the full backing of their senior leadership team when they have used force.

Q: What about school trips?

A: The power may be used where the member of staff is lawfully in charge of the pupils, and this includes while on school trips.

Q: Can force be used on pupils with SEN or disabilities? A: Yes, but the judgement on whether to use force should not only depend on the circumstances of the case but also on information and understanding of the needs of the pupil concerned.

Q: I'm a female teacher with a Year 10 class - there's no way I'd want to restrain or try to control my pupils. Am I expected to do so? A: There is a power, not a duty, to use force so members of staff have discretion whether or not to use it. However, teachers and other school staff have a duty of care towards their pupils and it might be argued that failing to take action (including a failure to use reasonable force) may in some circumstances breach that duty.

Q: Are there any circumstances in which a teacher can use physical force to punish a pupil?

A: No. It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, which is illegal. 10

Further sources of information

Other departmental advice and guidance you may be interested in

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School *Kings Norton Nursery School* *Lillian De Lissa Nursery School* *Adderley Nursery School*
Jakeman Nursery School *Selly Oak Nursery School* *St Thomas Centre Nursery School* *Gracelands Nursery School*
Shenley Fields Nursery School *Weoley Castle Nursery School* *Newtown Nursery School* *Highfield Nursery School*

- 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 (2002)
- Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)
- Screening, searching and confiscation – advice for Head Teachers, staff and governing bodies.
- Dealing with allegations of abuse against teachers and other staff – guidance for local authorities, Head Teachers, school staff, governing bodies and proprietors of independent schools

Associated resources (external links)

- Police and Criminal Evidence Act 1984 (PACE) Code G: Revised Code of Practice for the Statutory Power of Arrest by Police Officers

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Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Fields Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

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APPENDIX 3

Behaviour Intervention Plan

Photo	Child's Name:
	Date of Birth:
Areas of Developmental Concern:	

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Adderley Nursery School

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Selly Oak Nursery School

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Gracelands Nursery School

Shenley Fields Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

What is going well:

What does the behavior look like:

Triggers

Proactive Strategies:

1-

Reactive Strategies:

1-

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Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Fields Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

Parents name:

Parent Signature:

Date:

Review Date:

Named Person/Persons for manual handling:

Name

Signature

Date

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St Thomas Centre Nursery School

Gracelands Nursery School


Shenley Field Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

Appendix 4:

 A.B.C. – SENSORY BEHAVIOUR CHART			
Child's Name:		DOB:	Setting:
Antecedent: What happened immediately before the behaviour? (Note time of day, environment, staff/peers nearby, resources/activity offered).		Behaviour: What behaviour was displayed? Describe the response (e.g. reluctance/inability to engage, negative behaviour, self-stimulatory behaviours)	Consequence: What happened after? (Was there an opportunity for stimulation?)
Time and date:			
Time and date:			
Time and date:			

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Jakeman Nursery School *Selly Oak Nursery School* *St Thomas Centre Nursery School* *Gracelands Nursery School*
Shenley Field Nursery School *Weoley Castle Nursery School* *Newtown Nursery School* *Highfield Nursery School*

Time and date:			
Time and date:			
Time and date:			

Please use this information to help complete Sensory Assessment Checklist and Sensory Environment Checklist in pack.