



all about people

News from BILD

9.8.10

BILD makes concerns clear to Minister on ‘use of force’ guidance for teachers

The British Institute of Learning Disabilities welcomes the announcement that there will be a review of guidance that covers measures to tackle behaviour and discipline in schools, including the Use of Force. Considerable confusion exists for teachers and others working within schools with regard to matters related to discipline, their powers to search pupils and the Use of Force. We also acknowledge that professionals who work within educational settings often work with a number of pupils who have behaviours which can be challenging to deal with or present a risk to themselves or others.

However, it is our strong belief that any review of guidance must take account of the needs of children and young people, recognising that those who exhibit behaviours that are challenging may also be very vulnerable themselves. They may have additional needs that contribute to the behaviours they display within a school environment, including children with communication difficulties, specific learning difficulties or autism.

In his announcement to the Houses of Parliament on 7 July, Mr Nick Gibb MP, stated:

“In the next Education Bill, we intend to give teachers a more general search power covering any item which may cause disorder or pose a threat to safety.”

Whilst accepting that children are now more likely to bring inappropriate items into school, BILD believes that the Minister should give further consideration to how such powers will be interpreted and used. In reality, such powers may not be welcomed by most teachers. Currently, we believe that insufficient consideration has been given to the practical implications of extending the power of teachers to search pupils. We believe that such an extension would increase the risks to teachers and pupils and be open to challenge under Human Rights legislation.

We are further concerned that an apparent ‘strengthening’ of guidance may give teachers, and others working in schools an impression that they can use force regardless of the specific circumstances. This will potentially increase the risk to them of allegations and prosecution.

Sharon Paley, BILD’s Development Manager for Positive behaviour Support, stated: “Any ‘right’ to search’ or ‘remove’ a pupil must be balanced by legal requirements and any individual would still have to ensure their actions were lawful. There is a real danger that if

any further guidance is not absolutely clear in stating the legal position for a teacher, then this will actually lead to more teachers being accused of assault. I speak from first hand experience of supporting friends and colleagues in stating that this is not acceptable. In the most part, teachers are honest, decent people undertaking a very difficult task. It is my understanding, as an expert witness, that statutory legislation will not excuse unlawful behaviour.”

In his statement, Mr Nick Gibb MP, also said:

“We will issue much shorter and clearer guidance which explicitly states that teachers can physically remove disruptive children from class and prevent them from leaving a room in situations where this is necessary to maintain order.”

If new guidance is to be helpful it should more clearly define terms like ‘*disruptive children*’ and clarify what is meant by such terms as ‘*maintain order*’. It would also be helpful if any further guidance on the use of force could be more succinct whilst clarifying terminology to make it much easier for professionals working in schools to interpret.

“In the past, phrases such as ‘significant disruption’ have been used in guidance to discuss when it may be appropriate to use physical force. This is unhelpful because it requires a degree of subjective assessment based on individual experience to assess what constitutes ‘significant disruption,” said Sharon Paley, “the Minister states that the revised guidance will be shorter and clearer. I suggest that the guidance will need a great deal of consideration if it is to be helpful in preventing yet more teachers being falsely accused of assault or worse by pupils.

BILD believes that if all children are to ‘*achieve to the best of their ability*’ it is also important to create an environment in which all children feel safe and valued for their contribution. Maintaining a safe and caring environment is an important aspect of school life, and any review of the guidance must positively contribute to such a culture and ethos.”

BILD has written to the Minister asking for clarification on the specific concerns it has raised, and for such clarification to be made absolutely clear in the guidance resulting from the Education Bill.

ENDS

For more information please contact BILD’s Communications Manager, Peter Salisbury on 01562 723010 or email p.salisbury@bild.org.uk

Notes:

BILD (The British Institute of Learning Disabilities) is based in Kidderminster, Worcestershire and was founded in 1971.

BILD’s vision is a society where people with learning disabilities are equal citizens and have access to the support and services they need. We work to make this happen in partnership

with people with a learning disability and family carers. They are the real 'experts', knowing what support is needed, and what needs to change to improve the quality of their lives.

As an organisation BILD is involved in promoting positive behaviour support and have published a number of seminal publications specifically related to the use of physical interventions.

Between 2000 and 2006 BILD received a number of small grants from the Department of Health and Department of Education and Skills to support the development of a number of strands of work in the field of physical interventions and behaviour support. In particular, the BILD team undertook the development, consultation and authoring of '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', which was issued by the Department in 2002.

Associated with this guidance was an accreditation scheme, the development of which was also funded jointly by the Departments. This scheme was developed to accredit training providers that deliver physical skills training within schools, education, health and social care. When the scheme launched in 2002 it was viewed as a major step forward in ensuring that training in the use of force would now be viewed and evaluated externally by an independent organisation against a set of published criteria. BILD continues to deliver the accreditation scheme and in the past 12 months applications have increased.

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