

Use of reasonable force policy

Summary

The health, safety and welfare of all the people that work or learn at our school are of fundamental importance. We aim to provide a safe, secure and pleasant environment for everyone where people are supported to fulfil their potential. The vast majority of our students behave well, and conduct themselves appropriately. However, a small number of students sometimes do not meet the standards of behaviour and conduct expected of them by the school, and our Behaviour policy outlines the procedures for dealing with this misbehaviour. In exceptional circumstances, when preventative strategies have failed, there may be situations where use of reasonable force is unavoidable. The school has adopted the local authority guidance for restrictive physical intervention and the Department for Education use of reasonable force guidance July 2013 (reviewed July 2015).

Date first adopted 23rd June 2009

Review date Annually

Last Reviewed May 2019

1. Principles

Everyone attending, working in and learning in this school has a right to:

- Be treated with unconditional respect and dignity
- Learn and work in a safe environment
- Be protected from harm, violence, assault and acts of verbal abuse

Students attending this school and their parents/carers have a right to:

- Individual consideration of student needs by the staff who have responsibility for their care and protection;
- Expect staff to undertake their duties and responsibilities in accordance with the school's policies;
- Be informed about behaviour expectations, relevant policies and the expected conduct of all students and staff working in school;
- Be informed about the school complaints procedure.

Within this school the following guides practice:

Challenging behaviour can usually be prevented by the careful management of the school environment and the considered deployment of staff. Strategies for dealing with misbehaviour and for promoting positive behaviour for learning are outlined in detail in the Behaviour policy. Any use of reasonable force should be consistent with the legal obligations and responsibilities of the school and its staff and the rights and protection afforded to students under law. Use of reasonable force should only be used in the best interests of students, and in conjunction with other strategies, designed to support students to learn alternative non-challenging behaviours.

The use of reasonable force must **NOT** be used with intent to:

- punish
- cause or threaten hurt
- oppress, threaten, intimidate or bully
- secure compliance with staff instruction.

Within the continuum of reasonable force, physical control **should only** be used:

- with minimum and reasonable force
- rarely and exceptionally
- as a last resort where all other courses of action have failed

- with the minimum degree of intrusion required to resolve the situation.

Principles Within the Legislation:

Section 93 of the Education Act 2006 sets out the powers which teachers and other staff have to use reasonable minimum force to physically control students.

It allows those teachers and other members of staff who are authorised by the Headteacher to use such force as is reasonable in all the circumstances to prevent a student from doing, or continuing to do, any of the following:

- (i) committing a criminal offence (including behaving in a way that would be an offence if the student were not under the age of criminal responsibility);
- (ii) injuring themselves or others, causing personal injury to or damage to the property of, any person (including the student);

and

- (iii) engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its students, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

(Section 93 of the Education Act 2006)

Any form of corporal punishment in schools is illegal, and this ban is absolute

In considering issues in respect of the use of reasonable force, the school will be mindful of the following:

The Children Act 1989, guidance and regulations, which state: “physical control should be used rarely and only to prevent a child from harming himself or others or from damaging property. Force should not be used for any other purpose, or simply to secure compliance with staff instruction”.

Further advice on pupil behaviour and discipline which is given in DfEE Circular 9/94 and the advice on restraint is given in Paragraphs 115 to 117 of the Circular.

Circular 10/95 entitled ‘Protecting Children from Abuse’ which stresses that schools have pastoral responsibility towards their pupils and should recognise that students have a fundamental right to be protected from harm. Our Child Protection policy outlines procedures for handling suspected cases of abuse of students which is based upon procedures laid down by the Local Authority LSCB (Local Safeguarding Children Board) Which will change to Durham Safeguarding Children Partnership from 1st April 2019.

Case law deals with the question of reasonableness in relation to force. Within school the question is likely to be decided on the following basis:

- *did the member of staff act within the power of the Act? and*
- *what did the member of staff believe the circumstances to be at the time of the incident?*

2. Aims

This policy aims to:

- Clarify the school’s approach to reasonable force for all staff, students, governors, parents/carers, external agencies and the wider community
- Clarify procedures for staff in the use of reasonable force to ensure transparency and consistency
- Ensure that any use of reasonable force within the school reflects current legislation and case law
- Ensure that any use of reasonable force within the school reflects joint guidance from the DfE and DoH, the LA and professional Codes of Practice
- Develop and sustain an ethos/culture and practice in school which protects the dignity and safety of both students and staff
- Create and maintain a safe and secure learning environment
- Promote a shared understanding that, although always the last resort, physical control is an option that staff, authorised by the Headteacher, may have to take

- Enable staff in school to adopt consistent practices in the use of reasonable force, based upon a set of principles common to all those working with young people including in health and social care settings
- Achieve outcomes that reflect the best interests of students whose behaviour is of immediate concern and others affected by the behaviour requiring intervention

3. Definition – taken from DFE July 2013

What is reasonable force?

- (i) 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.
- (ii) 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.
- (iii) ‘Reasonable in the circumstances’ means using no more force than is needed.
- (iv) 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.
- (v) 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.
- (vi) 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.

4. Implementation

4.1 Who can use reasonable force?

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

4.2 When can reasonable force be used?

- (i) Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- (ii) In a school, force is used for two main purposes – to control pupils or to restrain them.
- (iii) 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, making reasonable adjustments for those with either a disability or Special Educational Needs.
- (iv) The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

4.3 The school can use reasonable force to:

- (i) Remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- (ii) Prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- (iii) 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; and
- (iv) Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground.
- (v) Restrain a pupil at risk of harming themselves through physical outbursts

4.4 The school cannot

- (i) Use force as a punishment – **it is always unlawful to use force as a punishment.**

4.5 Training

Training for all staff will be made available as part of the school’s staff development programme.

4.6 Strategies for dealing with challenging behaviour

Staff consistently use positive strategies to encourage acceptable behaviour and good order.

Every effort will be made to resolve conflict positively and without harm to pupils or staff, property, buildings or the environment in line with the school's behaviour policy.

5. Recording

Where use of reasonable force has been used to manage a student, a record of the incident **must** be kept. **All incidences of physical control should be recorded on a Major Incident Report Form (see Appendix A) or on CPOMs and will include:**

- name of student;
- date, time and place of incident;
- a brief description of the incident and actions taken.

In addition, the reporting must include:

- how the incident developed;
- attempts made to calm the situation;
- names of any staff or pupils who witnessed the incident;
- the outcome of the incident including any injuries sustained, by any pupil or member of staff;
- any damage to property which has resulted;
- whether/how parents have been informed; and
- after investigation, a summary of actions taken.

Staff may find it helpful to seek advice from a member of the Leadership group when compiling a report.

The report must be completed as soon as possible after the incident, normally prior to staff going off duty and be signed by all staff involved. A copy should then be given to the Director of Student Support immediately.

The Director of Student Support will review all reports, and will maintain a file of all incidences reported on a Major Incident Report form. Where appropriate, a copy will be sent to the LA, Pupil Services Officer (Child Protection), Education Department, County Hall, Durham DH1 5UJ and the LADO (Sharon Lewis)

The incident will be recorded in the student's file.

6. Following an incident

6.1 Support

Where staff have been involved in an incident involving physical control they should have access to counselling and support. Within the school, this will be made available through the Headteacher.

6.2 Further Action

The Director of Student Support in consultation with another member of the Leadership Group will ensure that each incident of the use of physical control is reviewed and investigated further as required. If further action is required in relation to a member of staff or a pupil, this will be pursued through the appropriate procedures.

6.3 Complaints

The availability of a clear policy about use of reasonable force and early involvement of parents should reduce the likelihood of complaints but may not eliminate them.

Any complaints about staff will be dealt with under the school's Complaints Procedure, if normal processes cannot achieve a resolution.

If the complaint relates to a specific member of staff and their use of force then the school will follow procedures as set out in the Child Protection Policy, these are in line with the Local Children's Safeguarding Board procedures and those procedures as set out in part 4 of Keeping Children Safe in Education 2016

The Chair of Governors may be informed of complaints but other governors will not be involved as a complaint may require further action on their part.

7. Monitoring and Review

The Director of Student Support in conjunction with the Headteacher will monitor any use of reasonable force by examining:

- the frequency of their use;
- the justification for their use;
- their nature;
- their users; and
- the views of students concerning them.

The Headteacher will ensure that:

- the need to use reasonable force is minimised;
- The use of reasonable force is used only in the appropriate circumstances; and
- only the appropriate degree of reasonable force is used in particular situations.

The Headteacher will also:

- report on the use of reasonable force to the School's Governing Body;
- report specifically on the use of Physical Controls;
- take appropriate action over issues of concern of either a general or specific nature; and
- make available on request the Major Incident Record File to the Authority's Officers.

Governors will monitor the use of reasonable force within the school ensuring that:

- the incidence of the use of reasonable force is reported to them regularly
- incidents comply with school policy;
- trends are recognised; and
- action is taken to reduce the use of Physical Control.

The Director of Student Support will keep detailed records of the number and nature of all incidents of use of reasonable force and report at least annually to the Leadership Group as to the effectiveness of the policy. The school governors will review this policy annually as part of the regular cycle of review and monitoring.

Physical contact with pupils other than the use of reasonable force.

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, but not an exhaustive list, of where touching a pupil might be proper of necessary:

- when comforting a distressed pupil;
- when a student is being congratulated or praised;
- to demonstrate how to use a musical instrument,
- to demonstrate exercise or techniques during PE lessons or sports coaching; and
- to give first aid

APPENDIX A

MAJOR INCIDENT REPORT

Student's Name(s):

Report compiler:

Date:

Time:

Duration of Entire Incident:

Location:

STUDENT BEHAVIOUR:

ANTECEDENTS: (a concise description of the events leading up to the incident/behaviour)

BEHAVIOUR: (describe what actually happened, and how the student responded)

CONSEQUENCES: (how did staff intervene, the student respond, was the situation resolved)

Ring if any of these use of reasonable force have been used: restriction of access/exit, time out, isolation, physical diversion, restrictive devices, physical control

SECTION B (to be filled in if the use of physical control has occurred)

Names of staff involved: (staff should initial their agreement with the accuracy of the report or write an alternative)

Names of staff witnesses:

Names of student witnesses:

Signatures of staff witnesses:

Separate statements to be taken from student witnesses

De-escalation Techniques: (staff should always adopt a non-threatening posture, number other strategies used i.e. thus indicating the order of their use)

*verbal advice/support
*re-assurance
*tactical ignoring

*planned positive distraction, what?
*positive touch, who? and how?
*distraction

*negotiation
*time out offered/directed
*change of adult

*negotiation/limits/consequences
*other: (describe)

Length of time de-escalation techniques employed:

Justification for use of physical controls: (tick and delete as necessary)

- prevent/ interrupt injury to student/students/staff/others
- prevent/ interrupt serious damage to property
- prevent/ interrupt absconding if judged prejudicial to student's safety/welfare
- interrupt disruptive behaviour prejudicial to the safe & secure learning environment

Nature of physical controls used:

Seq.	Hold	Min.	Staff involved	Position
1				
2				
3				
4				

Post incident measures undertaken to ensure student calmed, and final outcome: (must be completed)

Response and view of the student: (must either be completed by the student/agreed with the student and counter-signed by him, or the response of the student described)

Student Signature:.....

Details of any resulting injuries: (to whom, and action taken as a result e.g. medical treatment, if none, write none)

Injury form completed: YES/NO (delete)

Accident Book: YES/NO (delete)

Any other relevant information: (include details of damage to property, etc, if none, write none)

Senior Manager reported to..... **Time**..... **Date**.....

Parents/Carers informed: YES/NO (delete) **If not record reason:**.....

Name of Member of Staff who informed Parents:.....

Head Teacher's comments : (including any implications for future management)

Signature:

Date:

Copied to: