

Ebor Garden Victoria Primary



Use of reasonable force

Non-Statutory Policy	
Policy updated:	
Adopted:	
Review date:	

Ebor Gardens Primary Academy and Victoria Primary Academy are committed to providing a broad, balanced and effective education for all the children who attend our schools.

1) Introduction

1. Ebor Gardens and Victoria Primary Academies recognises its legal and moral duty to promote the well-being of children, and protect them from harm. We believe that every child regardless of age has at all times and in all situations a right to feel safe. We agree that we have a primary responsibility for the care, welfare and safety of the pupils in our charge.
2. We are committed to a positive behaviour policy which encourages children to make positive behaviour choices and this policy should therefore be read in conjunction with the Behaviour Policy. We do however recognise that children sometimes do make the wrong choices. On rare occasions this may result in a situation that requires some form of physical intervention by staff. Our policy for physical intervention is based upon the following principles:-
 - Physical intervention should be used only as a last resort when other strategies have failed.
 - Any physical contact should be only the minimum required.
 - Physical intervention must be used in ways that maintain the safety and dignity of all concerned.
 - Incidents must be recorded and reported to the Head of School (Designated Safeguarding Lead).
 - Parents will be informed of each incident.
3. It is not possible to define every circumstance in which physical restraint would be necessary or appropriate and staff will exercise their own judgement in situations which arise within the above categories. Staff will always act within the school's policy on behaviour, particularly in dealing with disruptive behaviour.
4. Staff are aware that when they are in charge of children during the school day or during other supervised activities, they are acting in loco parentis and have a 'Duty of Care' to all children they are in charge of. They will, therefore, take reasonable action to ensure all pupils' safety and well-being.

2) Aims of the school to minimise the use of force

In order to reduce the possibility of force being needed the school will:

- a) Create a calm, orderly and supportive school climate that minimises the risk and threat of violence;
- b) Continue to develop positive relationships between staff and pupils;
- c) Adopt a whole school approach to developing social and emotional skills using PSHCE sessions and assemblies;
- d) Take a structured approach to professional development that helps staff acquire the skills of positive behaviour management and managing conflict, as well as supporting each other during and after an incident;
- e) Recognise that situations which trigger challenging behaviours are often foreseeable;
- f) Effectively manage individual incidents, communicating calmly with the pupil, using non-threatening verbal and body language, ensuring the pupil can see a way out of a situation;
- g) Use strategies that might include going to a quiet room, away from bystanders or other pupils, so that staff involved can listen to concerns;
- h) Wherever practicable, warn a pupil that force may have to be used before using it.

3) What the Law Says

1. Section 93 of the Education and Inspections Act 2006 enables school staff to use reasonable force to prevent a pupil from:
 - a) Committing a criminal offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
 - b) Causing personal injury or damage to property;
 - 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. The staff to which this power applies are:
 - a) Any member of staff at the school;
 - b) Any other person whom the Executive Principal / Head of School has authorised to have control or charge of pupils. This can also include people to whom the Executive Principal / Head of School has given temporary authorisation to have control or charge of pupils. The power may be used where the pupil (including a pupil from another school) is on the school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).
3. The law states that there is no definition of “reasonable force”. Whether the force used is reasonable will always depend on the circumstances of individual cases. Deciding on whether the use of force is justified will depend part upon the context in which the misbehaviour takes place. The test is whether the force used is proportionate to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour.
4. It is unlawful to use force as a punishment. This is because it would fall between the definitions of corporal punishment, abolished by section 548 of the Education Act 1996.

4) Deciding if the use of force would be appropriate

1. Use of Force can be used to:
 - remove a child 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
 - restrain a pupil at risk of harming themselves through physical outbursts
2. The judgement on whether to use force and what force to use will depend on the circumstances of each case. In the case of pupils with Special Educational Needs (SEN) and/or disabilities it will depend on information about the individual concerned. Staff will make the clearest possible judgement about:
 - a) The potential consequences of not intervening are sufficiently serious to justify use of force;
 - b) The chance of achieving the desired result by other means are low;
 - c) The risks associated with not using force outweigh those of using force;
3. Staff (including people with temporary authorisation to have charge or control of pupils) will be kept informed about and advised on how to deal with pupils who present particular risks to themselves or others.

5) The use of force

1. Any physical intervention used will always be the minimum needed to achieve the desired result. Wherever possible staff will not use force unless another member of staff or responsible adult is present to support observe and call for assistance. Before force is used staff will:
 - a) where appropriate, use the child’s individual support plans, risk assessment and strategies outlined in the individual Positive Handling Plan
 - b) tell the pupil to stop, and inform them of the consequences should they continue;
 - b) warn the child that physical restraint will be used if they do not do as they are asked;
 - c) communicate in a calm and controlled manner and will not give the impression they have lost their temper;
 - d) attempt to send for assistance;
 - e) send other children away if possible;

2. If force has to be used staff involved will:
 - a) tell the pupil that they are restraining him/her to avoid the pupil harming themselves, others or property;
 - b) use only the minimum force necessary and attempt to communicate with the child throughout;
 - d) be sensitive of their own strength and body weight and to issues of gender;
 - e) inform the Head of School/Executive Principal if he or she has not been involved, and ensure that the parent has been informed;
 - f) record the incident fully on CPOMS and notify the Designated Safeguarding Lead
3. The types of force likely to be used are:
 - a) Leading a pupil by the hand or arm
 - b) Shepherding a pupil away by placing a hand in the centre of the back
 - c) Standing between pupils
 - d) Blocking a pupil's path (only to be used if a pupil is at risk of harming themselves or others)
 - e) In more extreme circumstances, using restrictive holds (which may require specific expertise or training), Such holds include:
 - A staff member holding a pupils arms at his or hers sides;
 - Two staff members, one either side of a standing pupil.

6) Power to Search Pupils Searching without Consent

Reasonable force may also be used in exercising the statutory power, introduced under section 45 of the Violent Crime Reduction Act 2006 (and re-enacted by section 242 of the ASCL Act 2009), to search pupils without their consent for articles that have been or are likely to be used to commit an offence, cause personal injury or damage to property. This search power may be exercised by the Principal / Head of School and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Where resistance is expected school staff may judge it more appropriate to call the police.

7) Searching with consent

School staff can search pupils with their consent for any item. School is not required to have formal written consent from the pupil, it is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree. If the pupil refuses, the teacher can apply an appropriate consequence as set out in the school's behaviour policy.

8) Staff Training

Although the absence of accredited training does not preclude a member of staff from using reasonable force where needed, a number of staff in school have received Team Teach training. This programme is not just about the physical use of force. Its approach provides a framework to equip schools and individuals with attitudes, skills and knowledge to facilitate environments that are free from fear and safe from harm. The physical techniques are assessed by an expert risk assessment panel. Team Teach is approved by Ofsted and the Institute of Conflict Management (ICM). The Team Teach expectation is that people will communicate, assess, look and listen for opportunities to divert or deescalate.

9) Recording and Reporting of Incidents

1. Immediately following an incident which requires the use of force, the member of staff concerned should inform the Head of School and provide a short written factual report on CPOMS as soon as possible thereafter. The written record should include:
 - The name(s) of the pupil(s) involved and when and where the incident took place;
 - The names of any other staff or pupils who witnessed the incident;
 - The reason that force was necessary;
 - Briefly outline how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long;
 - The pupil's response and the outcome of the incident;
 - Details of any obvious or apparent injury suffered by the pupil, or any other person, and whether First Aid was sought.
 - Details of any damage to property.

2. Where reasonable force has been used on a pupil, parents are to be informed by the appropriate member of staff as soon as possible.

10) Post Incident Support

Any member of staff who has been involved in an incident which results in use of reasonable force will receive support in a non-blaming and caring manner. They will be given the opportunity to explore thoughts and feelings during and after the incident. This time will also be used to develop and record a strategy or alternatives for any future significant incidents. All staff are encouraged to support, guide and reassure each other.

11) Complaints and Allegations

All complaints that the school receives will be taken seriously. All matters will be dealt with in line with the schools complaints policy. If a complaint is made following the any use of force it will be dealt with by the Head of School / Executive Principal of the appropriate academy. Where an allegation is made that a member of staff has used force inappropriately or unlawfully school will follow the allegations to staff procedure. This means that the Head of School / Executive Principal will inform the Local Authorities Designated Officer (LADO) on the same day that the allegation is made.

12) Monitoring and Reviewing

This policy will be monitored and reviewed on an annual basis, or in the event of national and local developments. The senior leadership team and the governing body will ensure that all staff will be trained on a biannual basis and that any recommendations for developments through post incident support are considered.

13) Relevant Documentation Government Guidance

The Use of Force to Control or Restrain Pupils 2013 <https://www.gov.uk/government/publications/useof-reasonable-force-in-schools>

Safer Working Practice for those Working with Children and Young People in Education Settings September 2015 <http://www.saferrecruitmentconsortium.org/>

Keeping Children Safe in Education 2016 <https://www.gov.uk/government/publications/keepingchildren-safe-in-education--2>

14) Relevant policies

This policy should be read in conjunction with linked policies:

Behaviour Policy
Complaints Policy
Safeguarding Policy

Appendix 1

RESTRAINT MEDICAL ADVICE

It is important that staff involved in applying restraints are aware of the signs and symptoms that may indicate that a person is in distress. It may be the case that an incident should be treated as a medical emergency rather than a restraint incident.

When attempting to restrain a violent person, the team must be aware of the following:

Extreme excitement, agitation usually associated with drugs (excited delirium psychosis)

- Exceptional or unexpected strength
- Unusual rises in body temperature
- Exceptional violence
- Abnormally high tolerance of pain
- Bizarre behaviour – as if high on drugs

Distress or sudden collapse during restraint

- Sudden, abnormal passivity
- Noisy or laboured breathing
- Coughing or foaming from the mouth
- Face, lips, arms or legs becoming blue/purple or very pale

One or more of these signs will warn staff that they need to be particularly vigilant in monitoring the person's responses and be prepared to treat the incident as a medical emergency. Monitoring the person's breathing will also assist staff in judging whether the person is in need of urgent medical attention.