

Grand Avenue Primary and Nursery School

Policy on the Use of Reasonable Force to Control or Restrain Pupils

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Introduction

At Grand Avenue Primary and Nursery School we aim to create a calm, orderly and supportive school climate to minimise the risk of violence of any kind. We will always try to de-escalate incidents, only using force when the risks involved in doing so are outweighed by the risks involved in not using force.

This document sets out our school policy concerning the use of reasonable force or physical contact to control and restrain pupils.

What is 'reasonable force'?

The term 'reasonable force' covers the broad range of actions used by staff employed by the school that involves a degree of physical contact with pupils. In schools, force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm to more extreme circumstances, such as breaking up a fight or where a pupil needs to be restrained to prevent violence or injury.

Control - This can mean either passive physical contact for example, standing between pupils or blocking a pupil's path, or active physical contact, for example leading a child by the arm out of the classroom.

Restraint – This is when a member of staff holds back physically or brings 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.

Control or restraint should be 'reasonable in circumstances', meaning using no more force than is needed. Staff should always try to avoid acting in a way that might cause injury to the pupil. The law forbids any adult working in school to use any degree of physical contact which is deliberately intended to punish a pupil, or which is deliberately intended to cause pain, injury or humiliation. Every school is required by law to have a behaviour policy and to make this policy known to staff, parents and pupils. This policy should be read in conjunction with Grand Avenue Primary and Nursery School's Code of Conduct Policy.

Staff authorised to use reasonable force

All members of school staff have a legal power to use reasonable force¹. All staff members may use reasonable force in a variety of situations such as preventing pupils committing a criminal offence, injuring themselves or others or damaging property, and to maintain discipline. Desirably more than one adult should be present when force or physical contact is being used.

¹ section 93, *Education and Inspections Act 2006*

This power can also apply to people whom the head teacher has temporarily put in charge of pupils, such as unpaid volunteers, parents accompanying students on a school organised trip or students on teaching practice. In these circumstances any reasonable force should be under the direction of a member of school staff (for example in assisting a member of school staff) or where there is extreme danger to the child or other children's safety (for example, if a child was running out into a road).

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. Parental consent is not required to restrain a pupil.

Using Force

Staff should always consider their own safety and that of others in deciding how to act in a situation where force is regarded as necessary. Before using force, engage the pupil in a calm tone, making clear that their behaviour is unacceptable and explain that physical intervention will only be used to ensure safety.

Sometimes, standing between pupils will be sufficient to avoid conflict. Sometimes, leading a pupil by the hand or arm or by placing a hand in the centre of the back might calm a situation. Appendix B gives advice on Non-Physical Intervention Techniques.

Where a pupil is engaged in an activity that presents a high and immediate risk of death or serious injury to the pupil or others, a member of staff would be justified in taking any action but they should always consider their own safety and that of others when deciding how to act in such situations.

If more serious intervention should be needed (such as moving a pupil) always seek the help of another adult.

When restraining or moving a pupil, staff should use holding techniques as advised by the local authority. Staff that work with high risk pupils will receive regular training. The recommended techniques minimise the chances of injury to either party but there is always a risk of injury in such circumstances.

The Department for Education guidance states that '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.'², as 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.

² *Use of reasonable force 2013*

Minimising the need to use force

To minimise the need to use force the school will:

- Create a calm and supportive climate that minimises the risk and threat of violence.
- Develop positive relationships with pupils and parents/carers.
- Adopt a whole school approach to developing social and emotional skills through the PSHE programs in school, which include SEAL.
- Ensure staff have access to regular and ongoing training in positive behaviour management strategies and how to manage conflict situations and anxiety.
- Have clear reward and sanction systems in place and ensure these are applied firmly and consistently.
- Aim to recognise situations which trigger challenging behaviours.
- Effectively manage individuals through the use of behaviour plans for high risk pupils and multiagency meetings to ensure consistency of approach.
- Aim to warn a pupil that force may be used before using it.

Deciding whether to use force

The decision (to) whether or not to use physical intervention is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances. Decisions regarding the use of force must be reasonable. It is acknowledged that, typically, such decisions have to be made quickly with little time for reflection. Staff need to make a judgement about:

- The chances of achieving the desired result by other means.
- The seriousness of the incident, assessed by the effect of injury, damage or disorder that is likely if force is not used.
- The relative risks associated with physical intervention compared with using other strategies.

When members of staff use restraint they physically prevent a pupil from continuing what they were doing after they have been told to stop. The potential consequences of not intervening should be sufficiently serious to justify the use of force, where the chances of achieving the desired result by other means are low. For example:

- To prevent a pupil from attacking another pupil or a member of staff or to stop a fight between pupils.
- To prevent a pupil causing injury or damage by accident, rough play or by misuse of dangerous material.
- To prevent a pupil causing deliberate damage to property.
- To prevent a pupil leaving school where this would entail serious risks to the pupil's safety or to the safety of others.
- To remove a disruptive pupil from the classroom where they have refused to follow an instruction to do so.

- To prevent a pupil behaving in a way that disrupts a school event or a school trip or visit.
- To 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.
- To restrain a pupil at risk of harming themselves through physical outbursts.

The judgement on whether to use force should depend on the circumstances of each case and, crucially in the case of pupils with SEN or disabilities, information about the individual concerned. If there are pupils who have positive handling plans staff will be made aware of the techniques that need to be used.

Power to search pupils without consent

Head teachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following prohibited items³:

- Knives and weapons
- Alcohol, illegal drugs, tobacco and cigarette papers
- Stolen items
- Fireworks
- Pornographic images
- Any article that has been or is likely to be used to commit an offence, cause personal injury or damage property

Force **cannot** be used to search for items banned under the school rules. If a member of staff suspects a pupil might be carrying prohibited items a member of SLT will be consulted.

Training

It is considered that all staff have a responsibility for pupil behaviour although some staff may be specifically trained in physical intervention. It is not expected that trained members of staff should be solely responsible for dealing with all incidents where physical intervention is required.

Staff training will include ways of defusing or avoiding situations as well as methods of physical intervention. All staff will be briefed on the use of restraint as part of the induction process.

³ Section 55OZB(5) of the Education Act 1996

Restraint and Inclusion of pupils with SEN and disabilities

At Grand Avenue Primary and Nursery School we acknowledge our legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEND). See Appendix A for further guidance relating to pupils with Special Educational Needs. This policy should also be read in conjunction with the school's SEND policy.

A positive handling plan will be created for individual pupils who need restrictive physical intervention (in consultation with the Inclusion Team/Parents/Pupil) and Behaviour Plans will be in place for any **high** risk pupils whose needs are identified through the schools SEN procedures.

Recording/Reporting Incidents

Each **significant and serious** incident, where a member of staff uses force on a pupil is recorded. The Governing Body at Grand Avenue Primary and Nursery school monitor this procedure. A log book of incidents is kept confidentially by the Inclusion Manager, who then reports to the Head Teacher. Reports will be completed on the same day as the incident took place and passed on to a member of SLT to be logged. The recording of incidents is of high importance and staff may find it helpful to seek the advice of a member of SLT or the SENCo.

Parents should be informed as soon as possible after the incident (except in cases where reporting the incident to a parent will result in significant harm to the pupil, where the Single Point of Access should be informed). It will be decided by SLT who will inform the parents and in most cases it will be a member of SLT who informs the parents, exceptions to this are disabled and SEN pupils and high risk pupils on behaviour plans where significant adults allocated to this pupil may inform parents of incidents. Parents will be given the opportunity to discuss an incident with a member of SLT.

The report will include:

- The name of the pupil(s) involved
- Where and when the incident took place
- Names of staff or pupils who witnessed the incident
- The reason why the force was necessary, i.e. the pupil's behaviour and actions at the time
- The nature of the incident, how it began and progressed, including details of steps taken to diffuse the situation, the degree of force used and the nature of the restraint
- The pupil's responses and outcome of the incident
- Details of any injury suffered by the pupil or other adult/children
- Details of any damage to property
- When parents/carers were informed of the incident, by whom and how

For pupils on the SEND register and with a behaviour plan, any use of restraint will be logged in their individual folders/books.

Post incident support

It is acknowledged that serious incidents involving force may result in injuries to pupils or staff. If this is the case then first aid will be administered as soon as possible after the incident has taken place. Should further medical assistance be required then this will be organised by trained first aiders.

If force was used as a result of poor behaviour on the part of the pupil, then this pupil will be held accountable for their behaviour. Sanctions will apply as set out in the school's 'Code of Conduct' Policy or for high risk pupils as outlined in their behaviour plan.

Following all serious incidents decisions will be made by relevant parties on how to support the pupil and staff to avoid repeating crisis points in the future. All relevant staff will be informed of these plans. The school will also ensure that all relevant multi-agency partners are kept informed if the pupil is already known to other services or will seek to refer them if relevant, for example EWO/CAMHS/FASS

The school will ensure that all involved in the incident have continuing support for as long as necessary in respect of:

- Physical consequences
- Support to deal with any emotional stress or loss of confidence
- Opportunity to analyse, reflect and learn from the incident
- Re-building relationships and avoiding repeating crisis points

If staff have been involved in an incident and would like support to cope with the physical and emotional consequences then they can seek advice and support from a member of SLT.

Complaints and Allegations

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.

Parents and pupils have a right to complain about action taken by school staff, as outlined in the school's complaint procedure. The Headteacher will respond to the complaint, following procedures as set out in the complaint policy. Specific allegations against a member of staff will be processed using the guidance set out in 'Safeguarding Children and Safer recruitment in Education'

Reporting an incident fully to parents/carers following the incident should minimise the chances of a complaint about the use of force, but cannot prevent all complaints or allegations that force has been used inappropriately. Allegations may be made by persons other than the parents/carers or children involved.

The degree to which this and the school's behaviour policy has been followed will be at the core of any investigation. If a member of staff uses reasonable force as defined in this policy they will have a robust defence against any false allegations of unreasonable force or conduct. 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 acted reasonably. However if a member of staff uses unreasonable force they may subsequently face civil or criminal proceedings and/or disciplinary action as a result.

Monitoring and Review

The impact of this policy will be monitored through analysis of incident data, and it will be reviewed with the overall school Code of Conduct policy.

References

Use of Reasonable Force (DfE) 2013

Appendix A – Guidance relating to Pupils with Special Educational Needs

Children who have learning disabilities have a right to be treated with respect, care and dignity, especially when they are behaving in ways which may be harmful to themselves or others, and as a result may require physical intervention from staff.

In a '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' it states that

- The use of force should, wherever possible, be avoided
- There are occasions when the use of force is appropriate
- When force is necessary, it must be in a way that maintains the safety and dignity of all concerned

The use of seclusion is considered a form of physical intervention and should only be considered in exceptional circumstances.

Restrictive physical interventions should always be designed to achieve outcomes that reflect the best interests of the child whose behaviour is of immediate concern.

APPENDIX B – Non - physical intervention techniques

Appear calm and relaxed

Keep pitch and volume of voice low

Talk with the pupil

If pupil becomes agitated, remain matter of fact and polite
Stay close enough to attend to the pupil

Be patient

Acknowledge the feelings of the pupil

Leave an avenue of escape

Try NOT To –

Appear afraid or unsure

Raise your voice

Give commands or make demands

Make threats

Rest your eyes on the pupil's chest and eyes

Maintain continuous eye contact

Tense your muscles

Enter into an argument