

Policy on the Use of Reasonable Force

January 2017



THE JO RICHARDSON

SUCCESS FOR ALL

COMMUNITY SCHOOL

ACHIEVE

The school is committed to safeguarding and promoting the welfare of children and expects all staff to share this commitment.

Objectives

- To maintain the safety of students and staff
- To prevent serious breaches of school discipline
- To prevent serious damage to property

Use of Reasonable Force

Minimising the need to use force

Use of force is only used as a last resort and procedures are in place at Jo Richardson Community School to create a calm and orderly environment and supportive school climate that lessens the risk and threat of violence of any kind. Effective relationships are developed between staff and students and a range of interventions are in place to support students in managing conflict and coping with feelings. Staff are also given guidance and training in how to manage student behaviour.

Who can use reasonable force?

- All members of staff have a legal power to use reasonable force
- 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 students such as unpaid volunteers or parents accompanying students on an organised school visit

Definitions

- **Force** is usually used to either control or restrain. This can range from guiding a student to safety by the arm through to more extreme circumstances such as breaking up a fight where a student needs to be restrained to prevent violence or injury
- **“Reasonable in the circumstances”** means using no more force than is needed
- **Control** means either passive or physical contact such as standing between students or blocking a student path, or active physical contact such as leading a student by the arm out of a classroom
- **Restraint** means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example, when two students are fighting and refuse to separate without physical intervention

When can reasonable force be used?

- Reasonable force can be used to prevent students from hurting themselves or others, from damaging property, or from causing disorder
- In a school, force is used for two main purposes – to control students 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

Deciding whether to use reasonable force

Staff should only use force when:

- the potential consequences of not intervening are sufficiently serious to justify considering use of force
- the chance of achieving the desired result by other means are low
- the risk associated with not using force outweigh those of using force

Staff in charge of students must ensure that clear guidance is given to volunteer helpers working with students who present particular risks to themselves or others, such as those with SEND or severe behavioural difficulties.

NOTE: It is always unlawful to use force as a punishment.

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 student behaving in a way that disrupts a school event or trip
- prevent a student leaving the classroom where allowing them to leave would risk their safety or lead to behaviour that disrupts the behaviour of others
- Prevent a student from attacking a member of staff or another student, or to stop a fight on the playground
- Restrain a student at risk of harming themselves through physical outbursts

Communicating the school's approach to the use of force

This is done through the Behaviour Management Policy and this policy. The Jo Richardson Community School does not require parental consent to use force on a student but makes policies available to parents via the website.

Every situation where reasonable forces has been used will be logged in the school's bound book which is held centrally. The incident will also be recorded using our internal CFC (Cause for Concern) system.

Using Force

At all times, the degree of force used should be the minimum needed to achieve the desired result and it cannot be used to prevent trivial misbehaviour. The judgement on whether to use force and what force to use should always depend on the circumstances of each case.

If at all possible, prior to physical intervention, students should be warned that force may have to be used.

Physical intervention can take a number of forms, for example:

- physically interposing between students
- standing in the way of a student
- holding, pushing or pulling
- leading a student away from an incident by the hand
- holding the tops of both arms or both hands

Advice for Staff

- Stay calm and keep repeating the request to calm down in a quiet voice. Try to de-escalate the situation
- Ensure that another adult witness is with you at all times. However, if this is not possible, immediately send a student for an appropriate adult to support you
- Remember: physical restraint is a last resort and try to ensure another adult is available if the situation requires it
- Never get involved physically with a child when you are angry – hand over to someone else
- Force that should **NOT** be used includes holding round the neck, kicking, slapping or punching, forcing limbs against joints, tripping or holding by hair or ear, holding face down on the ground
- Any form of force or restraint that is likely to injure a student (particularly anything that could constrict breathing) should only be used in extreme emergencies and where there is no viable alternative

Techniques which should never be used:

- Seated double embrace which involves two members of staff forcing a person into a sitting position and then leaning them forward, while a third monitors breathing
- Double basket-hold which involves holding a person's arms across their chest
- Nose distraction technique which involves a sharp upwards jab to the nose

Students with SEN or Disabilities

The Head of Student Development Department (SDD) is directly involved in reviewing the needs and management programme of students with SEN and behavioural difficulties. An individual risk assessment is drawn up where it is known that force is more likely to be used to restrain a particular student, such as with a student with SEN or poor behaviour. This gives clear guidance on 'positive handling plans' and takes into account issues identified on a student's statement/

EHCP. Staff coming into contact with such vulnerable students need to be made aware of situations that may provoke difficult behaviour, preventative strategies and what de-escalation strategies are likely to work.

Parents are made aware that such a risk assessment is in place for their child and the school seeks express written consent from the parent to inform staff about their child and acknowledging that physical restraint may at times be necessary.

Students experiencing difficulties should also be given guidance/strategies to cope when faced with times of crisis.

Recording and reporting significant incidents

The Governing Body must ensure appropriate procedures are in place for recording and reporting significant incidents where a member of staff has used force on a student.

An incident is significant and requires a written record when the answer is 'yes' to any of the following questions:-

- Did the incident cause injury or distress to a student or member of staff?
- Even though there was no apparent injury or distress, was the incident sufficiently serious in its own right to require a written record? (ie, involved restrictive holds)
- Is a written record needed to justify use of force? (especially when judgement finely balanced)
- Is a record needed to help identify and analyse patterns of student behaviour or staff training needs?
- Were other agencies involved, such as the police?

This information will be stored centrally in the bound book.

Parents, as soon as is practicable, are told when and where the incident took place, why force was used, what force was used, whether there were any injuries and what follow up action (support and/or disciplinary) was being taken in relation to their child. If reporting the incident to a parent may result in significant harm to the child, then the Designated Officer and LBB is informed.

If a child is subject to a care order, the local authority is also informed. If appropriate, other external agencies are informed such as the Safeguarding LA Officer, the Health and Safety Executive, etc.

The record forms part of the student's educational record.

Post incident support

Care is taken after an incident to ensure both staff and students are supported, including meeting immediate medical needs, rebuilding relationships and reflecting on the incident so lessons can be learned.

What about other physical contact with students?

It is not illegal to touch a student. There are occasions when physical contact, other than reasonable force, with a student is proper and necessary.

Examples of where touching a student might be proper or necessary are:

- Comforting a distressed student
- Giving praise or congratulation
- Demonstrating how to use a musical instrument
- Demonstrating exercises or techniques during PE
- To give first aid

Power to search students without consent

In addition to the general power to use reasonable force described above, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items” (Section 550ZB (5) Education Act 1996):

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any articles that has been or is likely to commit an offence, cause injury or damage to property

However it must be stressed that force cannot be used to search for items banned under school rules.

Complaints and concerns

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; refer to “Dealing with Allegations of Abuse against Teachers and Other Staff”.

This document should be read in conjunction with the school’s Behaviour Management and Anti-Bullying Policies, the Safeguarding Policy and DfE– Use of Reasonable Force (2013).