



POLICY ON THE USE OF REASONABLE FORCE

Jan 2018

Review: 2019

Objectives

This policy is based upon DfE guidance on the Use of Reasonable Force July 2013 (Advice for Headteacher's, staff and governing bodies). This policy will be reviewed by the Governor Safeguarding Panel.

This policy must be read and implemented in conjunction with the whole school positive behaviour policy, health and safety and safeguarding policies.

West Melton Primary is committed to ensuring that all staff and adults with responsibility for children's safety and welfare will deal professionally with all incidents involving aggressive or reckless behaviour, and only use force to control or restrain as a last resort. If used, staff must be clear about why it is necessary and record the incident.

West Melton Primary recognises that there is a need, reflected in common law, to intervene when there is an obvious risk of safety to its pupils, staff and property, to prevent serious breaches of school discipline and to prevent serious damage to property. School staff have a duty of care and therefore in some circumstances it is sometimes necessary to use reasonable force.

School staff have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.

What is reasonable force?

The term 'reasonable force' covers the broad range of actions that involve a degree of physical contact with pupils.

Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the elbow through to more extreme circumstances such as breaking up a fight or where a pupil needs to be restrained to prevent violence or injury.

"Reasonable in the circumstances" means using no more force than is needed.

Control means passive physical contact, such as standing between pupils or blocking a pupil's path.

Restraint means active physical contact 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.

School staff should always try to avoid acting in a way that might cause injury, but in very extreme cases it may not always be possible to avoid injuring the pupil.

Who can use reasonable force?

All members of school staff have a legal power to use reasonable force.

This power applies to any member of staff at the school. It also applies to people whom the Headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying pupils on a school organised visit.

It does not include other pupils.

The power may be used where the pupil (including a pupil from another school) is on premises or elsewhere in the lawful control or charge of the staff member.

When can reasonable force be used?

Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.

The decision on whether or not to physically intervene is down to the professional judgment of the staff member concerned and should always depend on the individual circumstances.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

Staff can use reasonable force to:

- Restrain a pupil at risk of harming themselves through physical outbursts.
- Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight.
- Prevent serious damage to property.
- Remove disruptive children 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/site where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others.

Staff cannot use force as a punishment - it is always unlawful to use force as a punishment.

Power to search pupils 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":

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

Force cannot be used to search for other items banned under the school rules. Searches must be conducted in the presence of adult witnesses.

Minimizing the need to use force

Although preventative measures will not always work, there are a number of steps which can help to reduce the likelihood of situations arising where the

power to use force may need to be exercised:

- a) Creating a calm, orderly and supportive school climate that minimises the risk and threat of violence of any kind;
- b) Developing effective relationships between pupils and staff that are central to good order;
- c) Teaching pupils how to manage conflict and strong feelings;
- d) Taking a structured approach to staff development that helps staff to develop the skills of positive behaviour management and managing conflict; effectively managing individual incidents, de-escalating them if they do arise by communicating calmly with the pupil, using non-threatening verbal and body language and ensuring the pupil sees a way out of the situation. Strategies might include, for example, going with the staff member to a quiet room, away from bystanders or other pupils, so that the staff member can listen to concerns; or being joined by a particular member of staff well known to the pupil; and
- e) Wherever practicable, warning a pupil that force may have to be used before using it.

Risk assessments may be needed where it is known that force is more likely to be necessary to restrain a particular pupil, such as a pupil whose SEN and/or disability is associated with extreme behaviour. An individual risk assessment/plan is also essential for pupils whose SEN and/or disabilities are associated with:

- a) Communication impairments that make them less responsive to verbal communication;
- b) Physical disabilities and/or sensory impairments;
- c) Conditions that make them fragile, such as hemophilia, brittle bone syndrome or epilepsy; or
- d) Dependence on equipment such as wheelchairs, breathing or feeding tubes.

Risk assessments are stored as linked documents against a pupil's records in SIMs and on CPOMs. A list of who has a risk assessment is kept centrally on

the staffroom notice board. All staff should familiarise themselves with these risk assessments.

Staff should view the use of force to control or restrain pupils as a last resort for the purposes of maintaining a safe environment and only when the risks involved in doing so are outweighed by the risks involved in not using force. If pupils are behaving disruptively or anti-socially, every strategy will be used to manage behaviour positively to prevent a deterioration of the situation.

Staff should understand the importance of listening to and respecting children to create an environment that is calm and supportive especially when dealing with pupils who may have emotional and behavioural needs, which may increase their aggression.

All staff should understand the importance of responding to the feelings of the child, which lie beneath the behaviour as well as to the behaviour itself.

Deciding whether to use force

The judgment about when to use force and what force to use should always depend on the circumstances of each case and - crucially in the case of Pupils with SEN and/or disabilities - information about the individual concerned.

Decisions on whether the precise circumstances of an incident justify the use of force must be reasonable. Typically such decisions have to be made quickly and with little time for reflection. Nevertheless, staff need to make the clearest possible judgments about the seriousness of the incident, assessed by the effect of injury, damage or disorder which is likely to result if force is not used, the chances of achieving the desired result by other means and the relative risks associated with physical intervention compared with using other strategies. Staff should only use force when:

- a) The potential consequences of not intervening are sufficiently serious;
- b) The chances of achieving success by any other means are low; and

c) The risk associated with not using force outweighs those of using force.

Sometimes a member of staff should not intervene in an incident without help, unless it is an emergency. Help may be needed in dealing with a situation involving an older pupil, a large pupil, more than one pupil, a pupil suspected of having a weapon, or if the member of staff feels that s/he may be at risk of injury. In these circumstances s/he should take steps to remove other pupils who may be at risk and summon assistance from other staff (e.g. a member of staff will get a message to SLT, or verbally request help from any adult close by).

In the case of potentially very serious incidents, for example a pupil suspected of having a weapon that seems likely to resist a search, staff should minimise risks by calling the Police.

Staff will be kept informed about and advised how to deal with pupils who present particular risks to themselves or others (as a result of SEN and/or disabilities and/or other personal circumstances, such as domestic violence) via Individual Plans and, individual risk assessments and Hierarchy of Need documents.

Using force

Before using force staff should, wherever practicable, tell the pupil to stop misbehaving and communicate in a calm and measured manner throughout the incident. Staff should not give the impression of acting out of anger or frustration, or to punish a pupil, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

As far as possible, staff should not use force unless or until another responsible adult is present to support, observe and call for assistance.

The types of force used could include:

- a) Control (passive physical contact) resulting from standing between pupils, blocking a pupil's path or guiding a pupil by the elbow.
- b) Restraint (active physical contact) resulting from holding a pupil by the

shoulder, upper or lower arm.

The following holds should not be used:

- holding a pupil around the neck, or by the collar, or in any other way that might restrict a pupil's ability to breathe;
- slapping, punching or kicking a pupil;
- twisting or forcing limbs against a joint;
- tripping a pupil;
- holding a pupil by the hair or ear;
- holding a pupil face down on the ground;
- pressure on the neck, chest abdomen or groin areas;
- the use of clothing or belts to restrict movement.

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a pupil from running into a busy road or preventing a pupil from hitting someone with a dangerous object such as a glass bottle or hammer.

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury.

Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

In any situation where it has been considered appropriate to use force, it is important that staff only use the minimum force necessary to achieve the desired result.

Recording incidents

The purpose of recording is to ensure that policy guidelines are followed, to inform future planning as part of school improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry.

All incidents must be recorded on CPOMS. In addition a written record in the bound and numbered Serious Incident Record Book must be completed if:

- a) The incident caused injury or distress to a pupil or member of staff;
- b) The incident was serious enough in its own right, even if there was no apparent injury or distress;
- c) A written record is needed to be able to justify the use of force. This is particularly relevant where the judgment was very finely balanced;
- d) the record is needed to help identify and analyze patterns of pupil behaviour or staff training needs; or
- e) Other agencies were involved, such as the Police.

The member of staff involved in the incident should compile the record. The Serious Incident Record Book is kept at the school reception. The Headteacher or member of staff with lead responsibility for safeguarding should check the record and provide a copy to the member of staff involved if s/he wishes.

It is possible that not all the specifics of an incident can be recorded where it is not known on whom the force was used, for example where a member of staff has had to part several pupils encircling a fight. The staff member may, understandably, focus on and recall the identities of the fighting pupils and not the individual spectators who were drawn aside to allow access. Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report.

Differing accounts given of the same incident should all be recorded.

The record is likely to form part of a pupil's educational record. As such, the parent/carer is entitled to see the educational record free of charge, within 15 school days of receipt of the parent/carers written request. If a request is made to see, or have a copy of a educational record, there is some information that must not be disclosed. This is any information that the child him/herself could not lawfully be given under the Data Protection Act 1998, or to which s/he would have not right of access under that Act or by

virtue of any order made under section 30(2) or section 39(1) of it. Further detail on what data contained in educational records may be disclosed is contained in guidance available from www.teachernet.gov.uk/management/atoz/p/pupilrecords/. When recording such incidents, staff should bear in mind that, if this information is later passed to the Police, it may be included in a Disclosure and Barring Service disclosure. Records of such incidents should be retained until the member of staff involved has reached normal retirement age or for 10 years from the date of the allegation if that is longer (only if an allegation has been made or the report constitutes an allegation).

Schools do not require parental consent to use force on a pupil. However, West Melton Primary School recognises that it is good practice to speak to parents about serious incidents involving the use of force.

In deciding what is a serious incident, staff should use their professional judgment and consider the:

- Pupil's behaviour and level of risk presented at the time of the incident;
- Degree of force used;
- Effect on the pupil or member of staff; and
- The child's age.

Whenever possible it is best to telephone parents/carers as soon as possible after the incident. They may be told when and where the incident took place, which members of staff were involved (anonymised if necessary), why they decided that force had to be used, what force was used, whether there were any injuries and what follow-up action (support and/or disciplinary) was taken in relation to their child.

It is also good practice for parents to be given a copy of the school's policy on the use of force and information on post-incident support.

All injuries to staff and/or pupils should be recorded in accordance with RIDDOR (HSE regulations). www.hse.gov.uk/riddor/index.htm.

Members of staff who have been assaulted may wish to consider reporting

that to the Police.

Incidents where force has been used will be reported to the Governor Safeguarding Panel meeting annually.

Post Incident Support

Serious incidents that require the use of force can be upsetting to all concerned and may result in injuries to the pupil or member of staff. Immediate action should be taken to provide first aid for any injuries and to access medical help for any injuries that go beyond first aid. It is also important to ensure that staff and pupils are given emotional support.

It is good practice to involve parents/carers in agreeing appropriate support arrangements. For pupils whose behaviour is associated with SEN and/or disabilities, it is advisable to agree an individual plan. Such plans should include strategies to prevent and deal with any recurrence of behaviour that could lead to the use of force.

The Head teacher and/or SLT will:

- a) Decide whether multi-agency partners need to be involved and, if so, which partners. This could include Local Authority Children's Services, the Local Children's Safeguarding Board, the Health and Safety Executive, Child and Adolescent Mental Health Services, Youth Offending Team, Social Care or the Police.
- b) Where a pupil is responsible, hold the pupil to account so that s/he recognises and repairs the harm caused or which might have been caused. In addition to punishing a pupil, this may involve giving them the opportunity to repair the relationships with staff and pupils affected by the incident and/or to develop their social and emotional skills. In some cases, an incident may lead to a decision to exclude a pupil. In these circumstances the Headteacher should have regard to the statutory guidance on exclusions.
- c) Help the pupil and staff develop strategies to avoid such crisis points in future and inform relevant staff about these strategies and their roles. This may include updating a pupil's risk assessment or creating one.
- d) Ensure that staff and pupils affected by 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; and
- opportunity to analyse, reflect and learn from the incident.

Dealing with complaints or allegations

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 defense 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.

Parents/carers and pupils have the right to complain about actions taken by school staff. This might include the use of force. If a specific allegation of abuse is made against a member of staff then the guidance set out in Safeguarding Children and Safer Recruitment in Education (www.everychildmatters.gov.uk/resources-and-practice/IG00175) must be followed. Other complaints should be dealt with under the complaints procedure.

In such cases the Headteacher should respond to the complaint in the light of the school policy and procedure. Parents/carers may choose to appeal against the Headteacher's response. At this point a panel of governors may be convened.

A dispute might lead to an allegation against a member of staff, made to the school, other agencies or even the Police. These should be dealt with in accordance with agreed policy and procedure for handling allegations against staff.

What about other physical contact with pupils?

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 of where touching a pupil might be proper or necessary:

- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
- When comforting a distressed pupil;
- When a pupil is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching;
- To give first aid.

Monitoring and Review

Monitoring and review of this policy will be undertaken by the Governor Safeguarding Panel.

Developed by:	SLT		
Approval:	Committee:	Signature of Chair:	Date:
Review Date:			