

The Robert Drake Primary School

Use of Reasonable Force and Restraint Policy



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This policy should be read in conjunction with the DFE guidance published in July 2013, 'Use of Reasonable Force' (updated July 2015).

Aims

- To create a learning environment in which pupils and adults feel safe;
- To protect every person in the school community from harm;
- To protect all pupils against any form of physical intervention that is unnecessary, inappropriate, excessive or harmful;
- To put in place guidance for staff so that they are clear about the circumstances in which they might use reasonable force to restrain pupils and how such reasonable force might be applied.

Legal Framework

All school staff members have a legal power to use reasonable force to prevent pupils committing a criminal offence, injuring themselves or others or damaging property, and to maintain good order and discipline.

Section 93 of the Education and Inspections Act 2006 enables school staff to use reasonable force to prevent a pupil from:

- committing a criminal offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil); or
- causing personal injury or damage to property; or
- 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.

Staff members can sometimes be worried that using force will lead to false allegations of unreasonable or unlawful conduct in the form of a complaint or legal action. However if the force used is reasonable all staff will have a robust defence against any accusations. This policy and related use of force guidance is intended to help staff feel more confident about using force when they think it is right and necessary.

It is always unlawful to use force as a punishment.

Reasonable Force

Whether the force used is reasonable will always depend on the particular circumstances of the case and the test is whether the force used is proportionate to the consequences it is intended to prevent.

This means the degree of force used should be the minimum needed to achieve the desired result. In schools force is generally used for two different purposes – to control pupils and to restrain them.

- The term 'reasonable force' covers the broad range of actions used by most teachers (and support staff) at some point in their career 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 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;
- 'Reasonable in the circumstances' means using no more force than is needed. Control can mean either passive physical contact (e.g. standing between pupils or blocking a pupil's path) or active physical contact (e.g. leading a pupil by the hand or arm, or ushering a pupil away by placing a hand in the centre of the back);

- 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;
- 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.

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 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.

When can Reasonable Force be Used?

The judgement on whether to use force and what force to use will always depend on the circumstances of each case and – crucially in the case of pupils with SEN or disabilities – information about the individual concerned.

The school will develop an individual risk assessment 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.

Based on the legal framework, our ‘working’ definition of ‘reasonable force’ is: *the minimum force necessary to prevent a pupil from physically harming him/herself or others or seriously damaging property, but used in a manner which attempts to preserve the dignity of all concerned. The use of reasonable force will always depend on the circumstances of the case.*

Some examples of situations where reasonable force might be used are:

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

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

- Remove disruptive pupils 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 on the playground; and
- Restrain a pupil at risk of harming themselves through physical outbursts.

Prevention

Steps to avoid these situations should be taken and the adult should be able to demonstrate that those steps were taken. Physical restraint should always be the last resort.

Staff have a responsibility to ensure the safety and welfare of their pupils. They are in a particular position of trust. The following should be applied in all cases:

- Staff should delay if at all possible. (However, in some circumstances e.g. a pupil running out onto the road, you might be deemed negligible if you do not intervene);
- An 'on the spot' risk assessment for each occasion that you feel reasonable force or restraint may be necessary should be made;
- Consideration should be given to the environment, the medical circumstances and the clothing;
- Action being taken should always be for the good of the pupil, trying to keep them safe;
- Assure the pupil that the restraint is not a punishment;
- Never use other pupils in the restraint;
- Restraint or reasonable force should be witnessed by another responsible adult. Staff should use the *red card* system to call for another adult if restraint or reasonable force is needed and another adult is not available in the area.

Reasonable force might be used:

- in self defence, where risk of injury is imminent;
- when there is developing risk of injury to the person deemed in need of restraint or others.

Physical intervention in these circumstances may take several forms, e.g.:

- physically interposing between pupils;
- blocking a pupil's path;
- holding;
- leading a pupil by the hand or arm;
- shepherding a pupil away by placing a hand in the centre of the back; or
- (in extreme circumstances) using more restrictive holds.

Physical intervention may involve staff in:

- holding;
- pushing;
- pulling.

Staff must always avoid touching or holding a pupil in a way that might be considered indecent.

Where a pupil has caused actual harm or injury, details will need to be recorded in the Accident Book (in addition to the Incident Report Form).

Behaviour Management

The use of force should only be a last resort and staff and volunteers at The Robert Drake Primary School recognise that they should minimise the possibility of force being needed by creating a calm, orderly and supportive school climate that lessens the risk and threat of violence of any kind.

Recording Incidents

Governing bodies must ensure that a procedure is in place for recording each significant incident in which a member of staff uses force on a pupil, and for reporting these incidents to the pupil's parents/carers as soon as practicable after the incident. Staff will use the Incident Report Form (Appendix A). The Governing Body will take all reasonable steps to ensure that staff follow the procedure. This is to ensure that parents/carers are kept informed of serious events at school concerning their child. If reporting the incident to a parent/carer would be likely to result in significant harm to the pupil, then the incident must be reported to the Local Authority where the pupil normally lives.

Whether an incident is significant will vary on a case by case basis, but in determining whether it is, staff will need to consider factors such as the pupil's behaviour and the level of risk presented at the time, the degree of force used and whether it was proportionate in relation to the behaviour together with the effect on the pupil or member of staff. Members of staff should not put themselves at risk. An individual would not be seen to be failing in their duty of care by not using force to prevent injury, if doing so threatened their own safety.

Such records may be required for future reference. Immediately following any such incident the member of staff concerned should inform the headteacher (Designated Safeguarding Lead) or a senior member of staff and provide a written report. Parents/carers should be contacted as soon as possible and the incident explained to them. This action will also be recorded on the Incident Report Form. Staff should keep their own copy of any written report.

Roles and Responsibilities

The school will endeavour to ensure that all staff know and understand their roles and responsibilities in relation to the management of pupils.

Staff should be made aware of individual pupils who are considered likely to pose serious behavioural problems or violence.

The SENCO will keep staff informed about pupils with special educational needs who may require special attention with regard to their physical management. Staff will consult with the SENCO regarding any concerns that they have about the physical management of pupils with special educational needs or disabilities.

Preventative Strategies

All staff in school need to be aware of strategies and techniques for dealing with difficult pupils and steps, which they can take to defuse and calm a situation. The strategies listed below as examples will be influenced by the age of the pupil(s) and the context in which they are applied.

- Move calmly and confidently;
- Make simple, clear statements;
- Intervene early;
- Try to maintain eye contact;
- If necessary summon help before the problem escalates; and
- If possible, remove the audience from the immediate location.

Actions

- Tell the pupil who is misbehaving to stop and tell him/her the possible consequences of failure to do so (*including a verbal warning that force may be used*).
- Summon another adult. (Another adult should be present if physical restraint of any kind needs to be applied.) Use the 'red card' or send another pupil / message to alert a member of the senior leadership team.
- Continue to communicate with the pupil throughout the incident.
- Make it clear that physical intervention will cease as soon as it is no longer necessary.
- Appropriate follow-up action should be taken, which may include:
 - a. providing medical support;
 - b. providing respite for those involved; and
 - c. accessing external advice/support.

A calm and measured approach to a situation is needed and staff should never give the impression that they have lost their temper or are acting out of anger or frustration when handling a problem. Whilst limiting damage to property and/or persons, it is advisable not to 'corner' or give the pupil a feeling of being 'trapped' in any way as this can often inflame reactions. Where possible, allow the pupil space to move.

Complaints and Allegations

- All complaints about the use of force will 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 will not be an automatic response when a member of staff has been accused of using excessive force. Refer to the 'Dealing with Allegations of Abuse against Teachers and Other Staff' guidance where an allegation of using excessive force is made against a teacher;
- As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

Circumstances where Physical Contact is Appropriate or Necessary

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; and
- To give first aid.

Reviewed: Autumn Term 2017

Date for next review: Autumn Term 2019



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APPENDIX A: INCIDENT RECORD FORM

Details of pupil on whom force was used – name, class and any Special Educational Needs, disability or other vulnerability:

Date, time and location of incident:

Names of staff (or volunteers) involved (directly and as witnesses):

Details of other pupils involved (directly or as witnesses), including whether any of the pupils involved were vulnerable for SEN, disability, medical or social reasons:

Description of incident by the staff involved including any attempts to de-escalate and warnings given that force might be used:

Reason for using force and description of the force used:

Any injury suffered by staff or pupils and any first aid and/or medical attention required:

Reasons for making a record of this incident:

Follow up, including post-incident support and any disciplinary action against pupils:

Any information about incident shared with staff not involved in it and external agencies:

When and how those with parental responsibility were informed about the incident and any views they have expressed:

Has any complaint been lodged (details should not be recorded here)?

Report compiled by:	
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Name and role:	
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Date	
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Report countersigned by:	
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Name and role:	
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Date	
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The member of staff involved in the incident compiles the Incident Report Form. The Designated Safeguarding Lead checks the record and that the school provides the member of staff involved in the incident with a copy of the final version. It is important that this information is treated in confidence.

All accounts of the same incident should be recorded, including those of the pupil or pupils involved. Parents/carers should not be given a copy of the incident record as a matter of course, but they should be told when and where the incident took place, why it was decided that force had to be used, the strategies used to try to avoid having to use force, 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. Ordinarily the names of those involved in the incident should not be disclosed in the report. However, the pupil may give this information to the parent or the parent can request the information from the school. The school should deal with these requests in accordance with the Data Protection Act 1998.

Please note: although this form should not be sent to parent/carers as a matter of course the names of pupils should be removed before the completed form is, in exceptional circumstances, sent to parents/carers and the names of members of staff should only be included with their consent.