

# Kedington Primary Academy

## Use of Reasonable Force Policy



<b>Date of Policy</b>	<b>Spring 2022</b>
<b>Signed</b>	(Chair of Governors)
<b>Minuted</b>	04.04.22 (Date)
<b>Date of Next Review</b>	<b>Spring 2025</b>

### 1. Introduction

- 1.1. Kedington Primary Academy recognises that schools have a duty to promote good behaviour and discipline. To this end the school has a robust behaviour policy that sets how positive behaviour is promoted and its system of rewards and sanctions. The policy includes a reference to use reasonable physical force. This policy gives more detailed guidance on how physical force may be used at the school.
- 1.2. The school's local governing body and trust board also has the duty to ensure the health, safety and wellbeing of everyone in schools so far as is reasonably practical. (Section 175, Children's Act 202).
- 1.3. There is a range of legislation and national guidance that informs the duties set out above. This document draws largely on DFE guidance 'The use of reasonable force in schools' (July 2013, reviewed July 2015) and the Suffolk Safeguarding Board's document 'Keeping Children and Staff Safe' (April 2016).
- 1.4. This policy should be considered alongside other relevant school policies, specifically Anti-Bullying, Safeguarding and Health and Safety.
- 1.5. The headteacher is responsible for advising on the implementation of this policy.

### 2. What is reasonable force?

- 2.1. The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
- 2.2. It does not include other physical contact with children which is proper and necessary and might include:
  - 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.

- 2.3. 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 where a pupil needs to be restrained to prevent violence or injury.
- 2.4. **Control** means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.
- 2.5. **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.
- 2.6. 'Reasonable in the circumstances' means using no more force than is needed. The use of force should also be proportionate. School staff work on the principle of **the minimum force for the minimum amount of time**.
- 2.7. 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.

### 3. Who can use reasonable force in schools?

- 3.1. All members of school staff have a legal power to use reasonable force (Section 93, Education and Inspections Act 2006)
- 3.2. 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.
- 3.3. The use of force is a power, not a duty, so members of staff have discretion whether or not to use it. However, teachers and other school staff have a duty of care towards their pupils and it might be argued that failing to take action (including a failure to use reasonable force) may in some circumstances breach that duty.

### 4. When can reasonable force be used?

- 4.1. Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- 4.2. In a school, force is used for two main purposes – to **control** pupils or to **restrain** them.
- 4.3. 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.
- 4.4. The use of physical force as a punishment will never be used and is unlawful.

### 5. Our practice regarding restraint

- 5.1. Our staff will view the use of restraint as a last resort to maintaining a safe environment. If pupils are behaving disruptively or antisocially, efforts will be made to manage behaviour positively to prevent a deterioration of the situation and to restore a safe, secure environment.
- 5.2. Reasonable adjustments will be made to support children with special educational needs or disabilities. In cases of continuing disruptive behaviour, the school will always consider whether this might be result of unmet educational or other needs and whether a multi-agency assessment is necessary.
- 5.3. Our staff understand the importance of listening to and respecting pupils to create an environment that is calm and supportive, especially when dealing with pupils who may have emotional and behavioural needs that may increase their aggression.
- 5.4. Where a pupil has shown behaviours that indicate that the possible use of restraint may become necessary, a behaviour support plan and risk assessment (and risk assessment action plan, if needed) will be put in place outlining the behaviours that have been exhibited and the best way to deal with these. After any incident these will be reviewed and amended as needed.
- 5.5. Where possible, staff who have had appropriate physical de-escalation training, and ideally those with higher-level physical de-escalation training, will respond to the incident. (See *Training* below)
- 5.6. Staff intervening to restrain pupils will seek assistance from other members of staff as early as possible, since single-handed intervention increases the risks of injury to both parties and does not provide a witness.
- 5.7. Staff who become aware that another member of staff is intervening physically with a pupil will have responsibility to provide a presence and to offer support and assistance should this be required.
- 5.8. Before intervening in a non-emergency, consideration will be given to whether or not other staff are available to assist.
- 5.9. A pupil's behaviour may be adversely affected by the presence of an audience. Wherever possible, the audience will be removed.
- 5.10. Staff will be aware of the need to tell the pupil being restrained, in a calm and gentle manner that the reason for the intervention is to keep the pupil and others safe. Staff will explain that as soon as the pupil calms down, he/she will be released.
- 5.11. All staff are supported by a back-up system to enable staff to call for help in emergencies (e.g. a member of staff will give an emergency card to a bystander pupil to take to the office or staff room. The card indicates to staff that help is required urgently).

## **6. Use of isolation or seclusion**

- 6.1. An isolation which prevents a child from leaving a room of their own free will only be considered in exceptional circumstances. It is an offence to lock a person in a room without a court order except in an emergency, for example where the use of a locked room is a temporary measure whilst seeking assistance. Locked also includes holding a door shut, or someone standing against a door.

- 6.2. An emergency is a genuinely unforeseeable event, for example, when a child acts out of character. Any planned restriction of liberty must be legally justifiable, should be agreed by a multi-disciplinary team and form part of the pupils' behaviour support plan.
- 6.3. Internal exclusions, where children are educated for a short period of time out of their classrooms as a sanction or to minimise disruption, are not a form of seclusion.

## 7. Training

- 7.1. All staff receive training in understanding how and why children can become dysregulated and how best to respond as part of our Trauma Informed School approach.
- 7.2. All staff who work with children receive BehaviourSafe basic training every three years. This training promotes safer practice and ensures staff are clear about their role when they are working with difficult and dangerous behaviours.
- 7.3. At least one member of our staff will attend relevant training on physical intervention and will keep this training updated. Other staff may receive this training as appropriate.
- 7.4. Staff will use BehaviourSafe techniques and approaches when dealing with potentially difficult and dangerous behaviours.
- 7.5. Staff are aware of the potentially serious risk of injury and even danger to life from the use of non-approved approaches and means of restraint. In particular, a panel of experts (Physical Control in Care Medical Panel, 2008) identified that certain restraint techniques presented an unacceptable risk when used on children and young people. The techniques in question are:
  - the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
  - the 'double basket-hold' which involves holding a person's arms across their chest;
  - and the 'nose distraction technique' which involves a sharp upward jab under the nose.
- 7.6. These techniques, and any other techniques that impact on the airway, breathing or circulation, will not be used in school.

## 8. Recording and reporting of incidents

- 8.1. All incidents involving the use of physical force to **restrain** will be recorded in detail using the form in Appendix 1. Parents are asked to sign this and given a copy and it is uploaded onto CPOMs.
- 8.2. Notes will be made immediately following, or as soon as possible after the incident (i.e. before the end of the day of the incident) by the staff member involved in the original incident.
- 8.3. Notes will also be made in the same way by any other members of staff involved (i.e. as witnesses or additional providers of support). The notes will be signed and dated on the same day.
- 8.4. Pupil witnesses may also be asked to provide a written account if appropriate.
- 8.5. Parents/ carers will be informed after all incidents where restraint is used ( see 8.1). Staff, in consultation with the headteacher, will make a judgement about whether parents are informed about incidents where other use of force has been used for control.

- 8.6. Where children have known challenging behaviour and a risk assessment and behaviour support plan is in place, if possible, this will be done in consultation with parents.

## **9. Post Incident Support**

- 9.1. We will ensure that the pupil and the member of staff have immediate access to first aid for any signs of injury. This must be recorded.
- 9.2. We will give the pupil time to become calm while staff continue to supervise him/her. When the pupil regains complete composure (this may be up to several hours after the incident or the next day), a senior member of our staff (or his/her nominee) will make every effort to discuss the incident with the pupil and try to ascertain the reason for its occurrence. Some children are unable to articulate this or discussing a previous incident can be a trigger for another period of dys-regulation.
- 9.3. The pupil will be given an opportunity to explain things from his/her point of view. We will take all necessary steps to re-establish the relationship between the pupil and the member(s) of staff involved in the incident.
- 9.4. All members of staff involved will be allowed a period to debrief and recover from the incident.
- 9.5. This may involve access to external support. The headteacher (or his/her nominee) will provide support to the member of staff involved.
- 9.6. The circumstances of the incident will be discussed with the headteacher in a supportive manner and behaviour support plans or risk assessments will be written or amended as needed, in consultation with the class teacher. Dissemination of any revised information will be included as part of the school's normal schedule of meetings, by email or on the staff noticeboard.

## **10. Responding to Complaints**

- 10.1. All complaints about the use of force will be thoroughly, speedily and appropriately investigated. In all cases, the Local Area Designated Officer (LADO) will be informed in accordance with Suffolk Safeguarding Children's Board ['Arrangements for managing allegations of abuse against people who work with children or those in a position of trust'](#) and Dealing with Allegations of Abuse against Teachers and Other Staff – guidance for local authorities, headteachers, school staff, governing bodies and proprietors of independent schools (DFE 2012).
- 10.2. The school will act on the advice of the LADO, but the DFE guidance *Use of reasonable force* (2013) stated that 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 and that suspension must not be an automatic response when a member of staff has been accused of using excessive force. This guidance makes clear that a person must not be suspended automatically, or without careful thought.
- 10.3. As employers, the school and local authority has a duty of care towards its employees and will provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

**Record of Use of Physical Force**

*To be used in all incidents where force is used for restraint and when force is used for control as appropriate (see Section 8 of policy)*

Name and job title(s) of member(s) of staff who used reasonable force:
Name(s) of the pupil(s) involved:
When did the incident take place? (Date, time and activity)
Where?
Names of any witnesses (staff, visitor or pupil):
Why the reason force was necessary

**Details about the incident:**

***Please include the following information:***

1. What was the behaviour of the pupil which led up to the incident?
2. What attempts were made to resolve the situation?
3. What was said by staff and pupils?
4. What degree of force was used?
5. How it was applied?
6. How long it was used for?
7. What was the pupil's response and the eventual outcome?
8. Give details of any injuries suffered by either staff or pupils
9. Give details of any damage to property
10. Give details of any medical treatment required (an accident form must also be completed)
11. Details of any follow-up, including contact with the parents/carers of the pupil(s) involved
12. any other relevant details e.g., the involvement of any other agency, e.g., the Police

Recorded by:

Name -

Signature -

Role -

Date -

Parents:

Signature -

Date -

**A copy of this form must be given to the parents and the form uploaded onto CPOMs.**