

TITLE: USE OF REASONABLE FORCE

MODEL POLICY STATEMENT

This is **not** a Local Authority model policy

Local changes have made to the model policy by the College **N/A**
The model policy used is **N/A**

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| Policy Owner: | Vice Principal | Review period: | Biennial |
| Last Review: | November 2017 | Approving Committee: | Curriculum 15.11.17 |
| Next Review: | Autumn term 2019 | Latest FGB adoption: | 06.12.2017 |
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IMPACT OF THIS POLICY

The impact on College practice of using this policy is as follows:

This policy offers guidance for the rare occasions where restraint may need to be used. This policy not only protects the students but also the staff in such situations and offers a framework within which to work.

1. BACKGROUND

Guidance concerning the use of reasonable force to restrain pupils can be found in section 550(A) of the **Education Act 1996**, as inserted by section 4 of the **Education Act 1997**. This provision was extended to include all schools by section 131 of the **School Standards and Framework Act 1998**.

This policy should be read in conjunction with the Use of Reasonable Force (July 2013) DfE Guidance document for headteachers, staff and governing bodies.

2. RATIONALE

The **Education Act 1996** forbids corporal punishment, but allows all teachers to use reasonable force to prevent a pupil from:

- committing a criminal offence
- injuring themselves or others
- damaging property
- acting in a way that is counter to maintaining good order and discipline at the school

This power may be used where the student (including students from other schools) is on College premises or elsewhere in the lawful control or in the charge of a staff member.

There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should always be the minimum needed to achieve the desired result.

The Act does not cover more extreme situations, such as action in self-defence or in an emergency, when it might be reasonable for someone to use a degree of force.

2.1 What is reasonable force?

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. 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.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. As mentioned above, schools generally use force to control pupils and to restrain them. 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.
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.
6. 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.

2.2 Minimising the need to use reasonable force

Staff should always try to deal with the situation using other agreed strategies to calm a situation before considering using force.

Although the College recognises that preventative measures will not always work, there are numerous steps that will be taken in order to help reduce the likelihood of situations arising where the power to use force may need to be exercised. We endeavour to:

- Create a calm, orderly and supportive College environment that minimises the risk of violence of any kind
- Develop effective relationships between students and staff that are central to good order

- Adopt a whole-school approach to developing social and emotional skills
- Take a structured approach to staff development that helps staff to develop the skills of positive behaviour management; managing conflict and also support each other during and after an incident
- Recognise that challenging behaviours are often foreseeable
- Effectively manage individual incidents while understanding the importance of communicating calmly with the student, using non-threatening verbal body language and ensuring that the student can see a way out of a situation. For example, students should always be given an option of going to a quiet space with the staff member away from bystanders and other students, so that the staff member can listen to concerns; or being joined by a particular member of staff well known to the pupil
- Wherever practical, warning a student that force may have to be used before using force.

2.3 Staff authorised to use reasonable force

The staff to which this power applies are defined in Section 93 of the Education and Inspections Act 2006. These are:

- 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.

2.4 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.
- 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 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 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 in the playground; and
- restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot:

- use force as a punishment – it is always unlawful to use force as a punishment.

In these examples use of force would be reasonable (and therefore lawful) if it was clear that the behaviour was sufficiently dangerous or disruptive to warrant physical intervention of the degree applied and could not be realistically dealt with by any other means.

2.5 Deciding whether to use reasonable force

Staff should only use force when the risk of not using force significantly outweighs those of using force. Then the judgement whether to use force and what force to use should always depend on the circumstances of each case. Students with SEN and/or disabilities should be handled according to information about the individual student concerned (see section on 'Staff Training')

Decisions on whether the precise circumstances of an incident justify the use of significant force must be reasonable. Typically such decisions have to be made quickly, with little time for reflection. Nevertheless, staff need to make the clearest possible

judgements about:

- The seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if force is not used.
- The greater the potential for injury, damage or serious disorder, the more likely it is that using force may be justified
- The chances of achieving the desired result by other means. The lower the probability of achieving the desired result by other means the more likely it is that using force can be justified
- The relative risks associated with the physical intervention compared to the risks of using other strategies. The smaller the risks associated with physical intervention compared with other strategies, the more likely it is that using force can be justified

2.6 Using reasonable force

Staff, as far as possible, should not use force unless or until another responsible adult is present to support, observe and call for assistance. Then staff should always only use the minimum amount of force to achieve the desired effect.

Before using reasonable force staff should, wherever practical tell the pupil to stop misbehaving and communicate in a calm 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.

Types of reasonable force used could include:

- Passive physical contact resulting from standing between students or staff and students
- Active physical contact such as:
 - Leading a pupil by the arm or hand
 - Ushering a pupil away by placing a hand in the centre of the back
 - In more extreme circumstances, using appropriate restrictive holds

Where there is a high and immediate risk of death or of serious injury, any member of staff would be justified in taking 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 student running off the pavement onto a busy road or preventing a student hitting someone with a dangerous object such as a glass bottle or hammer.

Staff should always make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a student.

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

3. 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":

3 Section

- 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 items banned under the school rules.

4. Staff Training

Staff training will occur in accordance with College's Continuing Professional Development Policy.

The Special Educational Needs Co-ordinator (SENCo) will also make individual risk assessments available to staff where it is known that force is more likely to be necessary to restrain a particular student, such as a student whose SEN and/or disability is associated with extreme behaviour. Appropriate training will be given to the necessary staff working with these students on a regular basis, and College staff will be notified about procedures in place.

Some key members of Inclusion staff and at least one member of SLT within the College will be trained and regularly updated in the use of positive handling. Usually the staff are those most likely to find themselves in a situation that may require the use of reasonable force and are therefore trained to do this correctly and in a lawful manner.

5. Recording/reporting Incidents

Tavistock College will keep records of every incident in which force has been used, in accordance to College policy and procedures and safeguarding requirements. The purpose of recording is to ensure policy guidelines are followed, to inform parents, to inform College improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry.

Staff that can be called if a situation arises include:

- Behaviour Intervention Coordinator
- SENCo
- Inclusion staff – trained and confident to deal with the situation
- Vice Principal
- Principal

Staff to be informed if / when restraint takes place:

- Vice Principal
- Principal

'Use of Reasonable Force to Control or Restrain Pupils' forms should be completed by:

- All members of staff involved
- Vice Principal
- Principal

Parents/carers to be informed on the same day by:

- Head of Year
- Assistant or Vice Principal

Other policies to be consulted in conjunction with this one:

- Behaviour for Learning
- Health & Safety
- Looked after Children
- Safeguarding (Child Protection)
- Special Educational Needs

6. Complaints and Allegations

Complaints and allegations should be managed in accordance with Tavistock College's Complaints Policy.

7. Monitoring and responsibilities

The SENCO will:

- Make individual risk assessments available where it is known that force is more likely to be necessary to restrain a particular student, such a student whose SEN and/or disability is associated with extreme behaviour and inform College staff of this.

The Principal and the Senior Leadership team will:

- Ensure that this policy and its accompanying guidance, in conjunction with the Behaviour Management, Safeguarding (Child Protection) and Health and Safety policies are followed by staff
- Authorise individual support staff as appropriate to work with students with specific needs
- Enable staff access to training through accredited trainers
- Provide a termly report to Governors on the incidents of restraint

Teaching and authorised support staff will:

- Endeavour to follow the principles of the policy via the guidance provided, in conjunction with the appropriate training
- Endeavour to ensure that any intervention or restraint does not exacerbate the situation nor put student's or adult's health or safety in jeopardy

8. Further information

The College believes that to deny students all physical contact with adults is to deny a basic human need and an expression of care and concern. For all students, physical contact may be appropriate:

- When a student needs to get comfort or reassurance e.g. following an accident or personal crisis
- When a student needs encouragement to attempt a new challenge e.g. to climb on to a piece of apparatus
- When there is a need to take urgent action to avoid an incident or injury.

However, physical contact must be appropriate for the age, understanding and gender of the child and should not threaten or be sexually inappropriate. Staff should aim to be sensitive to:

- Cultural backgrounds/religious beliefs;
- The need to maintain students' personal space
- Students who either seek physical contact or positively avoid it.

Staff should take extreme care when offering physical comfort to students, particularly as they approach puberty, as physical contact may be misconstrued, causing distress to all concerned

TAVISTOCK COLLEGE

POLICIES & PROCEDURES

USE OF FORCE TO CONTROL OR RESTRAIN STUDENTS: INCIDENT RECORD

| | | |
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| Details of pupil on whom force was used by a member of staff | | |
| Name: | Tutor Group: | Year Group: |
| Date of Incident: | Time of Incident: | Location: |
| Names of staff involved (please state directly or witnesses) | | Number of witness statements attached: |
| | | |
| Details of other pupils involved, either directly or indirectly (Please include whether any of these pupils were vulnerable for SEN, disability, | | |
| | | |
| Description of incident by the staff involved (Please include any attempts made to de-escalate and warnings given that force might be used) | | |
| | | |
| Reason for using force and description of force used. | | |
| | | |
| Injuries suffered by staff or students and any first aid or medical attention required | | |
| | | |
| Follow up procedures (Please include post-incident support and any disciplinary action taken against the student) | | |
| | | |
| Has any information been shared with staff not involved with the incident or external agencies? | | |
| | | |
| How and when where parents/guardians informed (Please include any views they expressed about the incident) | | |
| | | |
| Has a complaint been lodged? | YES | NO |
| Report completed by: Name and Role: Signature: Date: | Report countersigned by: Name and Role: Signature: Date: | |