

HAWKESBURY CE VC PRIMARY SCHOOL



USE OF REASONABLE FORCE POLICY

Aims

- To create a learning environment in which children 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.

Definition of Reasonable Force:

Section 93 of the Education and Inspections Act 2006 states:

Power of members of staff to use force

(1) A person to whom this section applies may use such force as is reasonable in the circumstances for the purpose of preventing a pupil from doing (or continuing to do) any of the following, namely—

(a) committing any offence,

(b) causing personal injury to, or damage to the property of, any person (including the pupil himself), or

(c) 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.

(2) This section applies to a person who is, in relation to a pupil, a member of the staff of any school at which education is provided for the pupil.

(3) The power conferred by subsection (1) may be exercised only where—

(a) the member of the staff and the pupil are on the premises of the school in question, or

(b) they are elsewhere and the member of the staff has lawful control or charge of the pupil concerned.

(4) Subsection (1) does not authorise anything to be done in relation to a pupil which constitutes the giving of corporal punishment within the meaning of section 548 of EA 1996.

(5) The powers conferred by subsection (1) are in addition to any powers exercisable apart from this section and are not to be construed as restricting what may lawfully be done apart from this section.

(6) In this section, “offence” includes anything that would be an offence but for the operation of any presumption that a person under a particular age is incapable of committing an offence

Based on this legal framework, the 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 and staff should take the following into consideration:

- whether it is reasonable to use force, and the degree of force that could reasonably be employed, given the age, sex, physical strength, size, understanding, medical conditions

and any special educational needs of the pupil; the use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it.

The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force; and the degree of force employed should be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to defuse the situation.

Prevention should be the primary consideration. 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.

Delay if at all possible. However, in some circumstances e.g. a child running out onto the road, you might be deemed negligible if you do not intervene.

Make a risk assessment each time. Consider the environment, the medical circumstances and the clothing.

Always tell the child that the action being taken is for the good of the child, trying to keep them safe. Assure them that the restraint is not a punishment. Never use other children in the restraint.

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.

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

Action Steps:

- 1) Tell the pupil who is misbehaving to stop and tell him/her the possible consequences of failure to do so.
- 2) If possible, summon another adult. (It is always advisable to have another adult present if physical restraint of any kind needs to be applied. If possible, send another pupil / message to alert a member of the senior management team, use the red card system).

- 3) Continue to communicate with the pupil throughout the incident.
- 4) Make it clear that physical intervention will cease as soon as it is no longer necessary.
- 5) 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 child a feeling of being 'trapped' in any way as this can often inflame reactions. Where possible, allow the child space to move.

When might it be appropriate to use reasonable force?

Reasonable force should be limited to EMERGENCY SITUATIONS and used only as a last resort in situations where:

- A pupil attacks a member of staff, or another pupil;
- Pupils are fighting;
- A pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials, substances or objects;
- A pupil is running in a corridor or on a stairway in which he/she might cause an accident likely to injure him / herself or others;
- A pupil absconds from a class to leave school (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school)

Reasonable force might be used:-

- in self defence, where risk of injury is imminent;
- when there is developing risk of injury to themselves 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.

The law strictly prohibits the use of force, which constitutes the giving of corporal punishment.

The use of force as a punishment or to intentionally cause pain, injury or humiliation, as in the examples below, (which are not exhaustive) should not be permitted under any circumstances:

- holding around the neck;
- any hold that might restrict breathing;
- kicking, slapping or punching;
- forcing limbs against joints;
- tripping;
- holding by the hair;
- holding the pupil face down on the ground.

Physical intervention may involve staff in:-

- holding
- pushing
- pulling

Staff should always avoid touching or holding a pupil in a way that might be considered inappropriate.

The Headteacher must always be informed immediately. The incident should be followed up with time for the adult and child to talk about the situation.

A written report of the incident and action taken should be completed and logged with the head teacher as soon as possible. Where a pupil has caused actual harm or injury, details will need to be recorded in the school accident book (see section on record keeping for detailed procedures)

Roles and Responsibilities:

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

Legislation allows 'members of staff' to use 'reasonable force' and defines a member of staff as 'any teacher who works at the school and any person who, with the authority of the Headteacher, has lawful control or charge of pupils at the school', this would include teaching assistants, support staff and lunchbreak supervisors.

The Headteacher will confirm with all members of staff whether or not they meet the terms of this definition.

Governors, staff, parents and pupils should be involved in the development of this policy and should be involved in any review. New staff should be given a copy of the policy and a senior member of staff will advise on its implementation.

Staff should be kept informed of planning in relation to individual pupils who are considered likely to pose serious behavioural problems. Parents will be informed when the necessity to use reasonable force has been used.

The SENCOs should 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.

Record Keeping:

All incidents involving the use of reasonable force should be recorded in a detailed, contemporaneous written report in accordance with school procedures. The school should keep an up-to-date record of all such Incidents.

Such records may be required for future reference. Immediately following any such incident the member of staff concerned should inform the Headteacher 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. The action should also be fully recorded.

Staff should keep their own copy of any written report.

Associated Policies:

The above policy should be read in the context of the school's Visions and Values and forms part of the school's overall pastoral care.

It is closely related to the school's other policies on:

Discipline and Behaviour Policy

Child Protection

Allegations of Abuse against Staff

Whistle Blowing

Agreed at the Full Governing Body meeting 21st September 2015 Agenda Item 7.

Signed: Chair of Governors

Review Date: Autumn 2017

Equalities Impact Assessment: Completed

