REASONABLE FORCE POLICY

De Aston is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

This policy has been written with due regard to the Equality Act 2010, the DfE ‘Use of reasonable Force – Advice for Headteachers, staff and Governing Bodies (July 2013) and the “Behaviour and Discipline in schools: Advice for Headteachers Jan 2016”.

De Aston School

At De Aston School we strive to create an environment in which both children and adults feel happy, safe, secure and valued. We aim to ensure a whole school approach to behaviour known and understood by all staff, children, parents and outside agencies. The use of force upon any pupil by a member of staff is a serious matter, and should only be considered as a last resort. However, the law is clear and the Governing Body has a responsibility to all concerned, to support any member of staff who as a last resort uses reasonable force in accordance with the law, and with this policy.

Aims of the Policy

The aims of this Reasonable Force Policy are to provide clarification on the use of reasonable force in school

- To enable staff to feel more informed and confident about the use of reasonable force when they believe it to be necessary.
- To make clear the responsibilities of Headteachers, senior staff and Governing Bodies in respect of this power.

This policy is drawn from advice contained in the document ‘Use of Reasonable Force – Advice for Headteachers, staff and Governing Bodies’ issued 2013 by the Department for Education (see appendix). This guidance relates to the Education Act 1996 and the Education and Inspections Act 2006.

Key Points

- School staff have a legal power to use force and lawful use of this power will provide a defence to any related criminal prosecution or other legal action.
- Suspension should not be an automatic response when a member of staff has been accused of using excessive force.
- Senior school leaders should support their staff when they use this power.

What the Law says

Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do any of the following:

- Committing a criminal offence
- Causing personal injury to themselves or another
- Causing damage to property belonging to them or another, including the school.
- Any behaviour prejudicing the maintenance of good order and discipline in the school.

This is reiterated in the Department of Education “Behaviour and Discipline in schools: Advice for Headteachers Jan 2016.

Who may use force?

The staff to which this lawful power is granted are defined in the Act. Through this policy, the Headteacher expressly gives authority to:

a) All staff who have control or charge of pupils (including teaching staff, teaching assistants, special needs assistants, midday assistants and supply staff) who work at De Aston School.

And
b) The Headteacher also gives authorisation to those who do not usually have such control or charge - for example, all boarding staff, suitable unpaid volunteers such as parents or Governors accompanying pupils on school organised visits – in circumstances where the safety of the child or other children becomes an imperative.

What is reasonable force?
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.
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.

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.

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.

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.

Schools can use reasonable force:

- In situations where a pupil (including one from another school) is on school premises or elsewhere in the lawful control or charge of a staff member – for example on a school visit.
- To remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- To 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;
- To prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground;
- And to 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.

Deciding whether to use force
As a general rule staff should only use force when:

- The potential consequences of not intervening are sufficiently serious to justify it,
- The chance of achieving the desired outcome by other non-physical means are low; and
- The risk associated with not using force outweighs the risk of using it.
- Staff do not require parental consent to apply reasonable force on a pupil.

Using Force

- Before using force, staff should - where practicable - tell the pupil to stop misbehaving. Care should be taken to avoid giving the impression that the member of staff is angry or frustrated, or are acting to punish the child. It should be made clear with calm language that as soon as the need for force ceases, it will stop.
- Appropriate use of force will range from physical passive presence in between pupils, to blocking a pupil’s path, ushering them by placing a hand in the centre of the back, leading them by the hand or
arm, to in more extreme circumstances using appropriate restraining holds. Particular attention will be
given to individuals' needs which arise from statements of SEN or disability.

- Whilst it is highly desirable that staff should avoid acting in any way which might reasonably be
  expected to cause an injury, in truly exceptional circumstances it is recognised that it may not always
  be possible to avoid. Any such injury caused will be properly investigated by the school and will require
  justification.

Preventative Strategies
The school actively promotes positive behaviour management strategies and seeks to develop good
relationships at all levels thus reducing the need for the use of any form of physical intervention except in an
emergency situation. All staff will seek to follow strategies likely to reduce the need for force in dealing with
difficult pupils, based on the age of the pupil and context in which they are applied. They will endeavour at all
times to:

- Move calmly and confidently
- Make clear, simple statements, telling the pupil to stop and the consequences of failing to do so
- Intervene early. Communicate with pupil throughout the incident
- Try to maintain eye contact
- Avoid sudden movements
- If appropriate, summon another adult before the problem escalates
- If appropriate, remove the audience from the immediate location
- Staff should never give the impression that they have lost their temper or are acting from anger or
  frustration.

There will be times when some of these actions may not be possible or consistent with maintaining order and
discipline in school.

Training for Staff
Physical restraint is an available option, only to be used when other means of dealing with the situation have
failed. All staff members are made aware of this policy and have training on child protection and other training
that will ensure they are aware of their duties and the law.

Specific members of staff, including a selection of the Pastoral Leaders, undertake the ‘Team Teach Training’
(Physical Intervention Accreditation Scheme). Whenever possible staff should request from a trained
colleague, if it appears physical intervention might be required. However may not be possible for a Team
Teach trained colleague to assist, and all staff are able to use reasonable force, when they assess this as
being necessary. Where this is the case, the principles outline above apply; de-escalation is always the
preferred option. A list of trained colleagues is lodged with Jill Galloway. Staff training is ongoing with
accreditation updated regularly.

Recording Incidents
De Aston School will keep a record of each significant incident of the use of force to control and restrain. All
incidents will be recorded on the school ‘Use of Reasonable Force Support and Intervention’ logging form and
lodged with MB as soon as possible following the incident. (Form appended app b). Whether or not an incident
is significant will be a matter for the School to decide on a case by case basis. Decisions will include the
following considerations:

- 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.
- The effect on the pupil or member of staff
- The child's age

The purpose of recording is to ensure that policy guidelines are followed, to inform parents/carers, 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. Parents/carers will always be informed of the incident.
Post-incident support

- If injuries result from the application of reasonable force, medical help should be sought straight away. It is also important to ensure that staff and pupils are given emotional support.
- As soon as possible after the incident parents / carers should be informed and provided with a copy of this policy. If necessary details of the incident will be confirmed in writing.
- When assessing the incident, consideration may be given to involving multi-agency partners to offer support or advice.
- Where a pupil is responsible for injury to another, as well as holding him/her to account and issuing appropriate sanction, the pupil will be given the opportunity to repair the relationships with pupils and staff affected by the incident. The pupil will be offered appropriate support to help develop strategies for avoiding such crisis points in future.

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:

- 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.

Complaints and allegations
If a complaint is made against a member of staff about the use of force the school will follow the guidance set out page 7 of the Use of Reasonable Force: Advice for Headteachers, staff and Governing Bodies DfE- July 2013 (see appendix a).
Appendix a

What happens if a pupil complains when force is used on them?

1) All complaints about the use of force should be thoroughly, speedily and appropriately investigated.

2) 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.

3) 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.

4) Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the ‘Dealing with Allegations of Abuse against Teachers and Other Staff’ guidance (see Associated Resources section below) where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.

5) Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

6) If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.

7) Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

8) 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.
DE ASTON SCHOOL

REASONABLE FORCE SUPPORT & INTERVENTION FORM

Name: ……………………………………………………
Date: ……………………………………………………..
Location: ………………………………………………
Activity:

Report Compiler: ………………………………………
Name (s) of staff involved:
Name (s) of Witnesses (Staff):
Name (s) of Witnesses (Students):

ANTECEDENTS (A description of events leading up to the incident/behaviour)

BEHAVIOUR – Highlight in numerical order

Persistent refusal to follow instructions
Verbally abusive
Disruption to lesson/activity
Property damage
Pushing/nipping
Hitting
Kicking
Spitting
Biting
Head butting
Self-mutilation
Absconding
Other:

DE-ESCALATION TECHNIQUES USED: Highlight in numerical order

Verbal advise & support
Reassurance
Calm script/talking
Persuasion
Distraction
Appropriate humour
Option offered
Step away
Time out offered
Time out directed
Planned ignoring
Negotiation
Staff changeover
Success reminded
Take up time
Transfer adult
Pupil praise points
Contingent touch
Humour
Choices/limits/consequent.
Other

REASONS FOR INTERVENTION

Immediate danger of personal injury to student
Other student(s)
Member of staff
POSITIVE HANDLING STRATEGIES USED

<table>
<thead>
<tr>
<th>Techniques</th>
<th>Standing</th>
<th>Sitting/chair</th>
<th>Kneeling</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Event</td>
<td>Time</td>
<td>Initials</td>
</tr>
<tr>
<td>Single elbow hold</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Figure of four</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Double elbow hold</td>
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<td>Wrap</td>
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<td></td>
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<td>Other</td>
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<tr>
<td>Other</td>
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</tbody>
</table>

Additional Comments:

MEDICAL INTERVENTION

Breathing checked [ ]

Checked for bruises [ ]

Injury to student YES/NO
If YES
Checked by First Aider [ ]
Referred to GP [ ]

Details:

Injury to others? [ ]

Details:
RESOLUTION OF INCIDENT

Successfully returned to class

[ ] Needs further time out

[ ] Excluded

[ ] Other

Details:

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I have read and agree with the details contained in the report

Signed: ___________________________  Signed: ___________________________  Signed: __________

I do not agree [ ]

Reasons:

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RESPONSE AND VIEW OF THE STUDENT:

This report has been read by/read to and discussed with the student  [ ]

Student refuses to discuss incident  [ ]  If so referred Senior staff for home contact  [ ]

Student agrees with its content  YES/NO

If NO what are the student’s views?

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Any other views from student?

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This section is to be completed by the Headteacher, or member of SLT on duty

<table>
<thead>
<tr>
<th>Staff Debriefing</th>
<th>By Whom</th>
<th>Comments/Further Action Required</th>
</tr>
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Parents Informed [ ]

Name: ___________________________  Time: ___________________________  Date: ___________________________

Parental/Guardian Comments if applicable:

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Further action/consequence:

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Education Welfare officer/social worker contacted  YES/NO

Child protection informed  YES/NO  Not Applicable  [ ]

Incident book completed  [ ]
THE FULLY COMPLETED FORM SHOULD BE FORWARDED TO THE HEADTEACHER AS SOON AS POSSIBLE – NO LATER THAN 24 HOURS FOLLOWING THE INCIDENT.
HEADTEACHER MONITORING COMMENTS WILL FOLLOW LATER

HEADTEACHER / DEPUTY HEADTEACHER’S MONITORING

Was sufficient/appropriate de-escalation undertaken? [ ]
Were there grounds for use of physical control? [ ]
Were approved physical controls used? [ ]
Has appropriate/sufficient post incident action been taken? [ ]
Is the record keeping comprehensive and complete? [ ]
Were all relevant people informed? [ ]
Were there any staff/pupil complaints about the incident? [ ]

Other comments by the Headteacher:

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........................................................................................................................................................................................................................................................................................................

Signed: ............................................

Date: .............................................