

The Sandon School



USE OF REASONABLE FORCE POLICY

Last Adoption Date: July 2017

Next Review Date: Summer 2020

USE OF REASONABLE FORCE POLICY

This Policy should be read in conjunction with the DfE guidance published in July 2013 "The use of reasonable force" and any update. This has been shared with all staff and volunteers.

1. Aims

- To create a learning environment in which young people and staff feel safe
- To protect every person in the school community from harm
- To protect all students 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 control or restrain students and how such reasonable force might be applied

2. Legal Framework

All school staff members have a legal power to use reasonable force to prevent students 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 student from:

- a) committing a criminal offence (or, for a student under the age of criminal responsibility, what would be an offence for an older student); or
- b) causing personal injury or damage to property; or
- c) prejudicing the maintenance of good order and discipline at the school or among any students receiving education at the school, whether during a teaching session or otherwise.

3. The people to which this power applies are:

- any member of staff at the school;
- any other person whom the Headteacher has authorised to have control or charge of students. This can also include people to whom the Headteacher has given temporary authorisation to have control or charge of students such as unpaid volunteers (for example parents accompanying students on school-organised visits); These people are regarded as members of staff for the purposes of this policy.

This Power does not include any students (including those in positions of authority, such as prefects, mentors or head students).

4. The power may be used where the student (including a student from another school) is on the school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).
5. 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 but if the force used is reasonable all staff will have a robust defence against any accusations. This policy and related use of reasonable force guidance is intended to help staff feel more confident about using force when they think it is right and necessary.
6. **It is always unlawful to use force as a punishment.** This is because it would fall within the definition of corporal punishment, which is illegal.

7. 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 students and to restrain them.

- Control can mean either passive physical contact (eg standing between students or blocking a student's path) or active physical contact (eg leading a student by the hand or arm, or ushering a student away by placing a hand in the centre of the back).
- When members of staff use restraint they physically prevent a student from continuing what they were doing after they have been told to stop. The use of restraint techniques is usually used in more extreme circumstances, such as when two students are involved in a fight and physical intervention is needed to separate them.

8. Judging whether to use force and what force to use

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 vulnerable students such as those with SEN or disabilities or medical conditions - information about the individual concerned.

9. The school will develop an individual risk assessment 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.
10. Based on the legal framework and guidance, our “working” definition of “reasonable force” is the minimum force necessary to prevent a student 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, vulnerability, medical conditions, disability and any special educational needs of the student.
 - 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 student from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.
 - 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.
11. **Some examples of situations where reasonable force might be used** are:
 - to prevent a student from attacking a member of staff, or another student, or to stop a fight between two or more students
 - to prevent a student causing deliberate damage to property
 - to prevent a student causing injury or damage by accident, by rough play, or by misuse of dangerous materials or objects
 - to ensure that a student leaves a classroom where the student persistently refuses to follow an instruction to do so
 - to prevent a student behaving in a way that seriously disrupts a lesson, or
 - to prevent a student behaving in a way that seriously disrupts a school event or school visit

- to prevent self harm by a student
- to search for prohibited items
- in self defence

12. Prevention should be the primary consideration.

Steps to avoid these situations should be taken and the member of staff 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 students. They are in a particular position of trust being *in loco parentis*. The following should be applied in all cases:

- Staff should delay using physical intervention if at all possible. (See “Preventative Strategies”) (However, in some circumstances eg a student running out onto the road, you might be deemed negligible if you do not intervene immediately.)
- An 'on the spot' risk assessment for each occasion that you feel reasonable force may be necessary should be made
- Action being taken should always be for the good of the student, trying to keep them safe
- Assure the student that the control or restraint is not a punishment
- Never use other students in the control or restraint
- Reasonable force should be witnessed by another member of staff if at all possible. Staff should use the normal school procedures to call for another member of staff if reasonable force is needed and another member of staff is not immediately available in the area.

13. Physical intervention may take several forms, eg:

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

14. 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, such as 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, and
- holding the student face to the ground

15. Physical intervention may involve staff in:

- holding
- pushing
- pulling

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

16. General principle of behaviour management

Because the use of force should only be a last resort, members of staff at The Sandon

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.

17. Recording of significant incidents

The Sandon School Health and Safety Incident Form will be used to report all significant incidents. Limited information may be given from this form to parents such as injuries incurred and follow up action including support and/or discipline. If reporting the incident to a parent would be likely to result in significant harm to the student, then the incident must be dealt with as a Safeguarding issue

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 student'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 students 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 Senior Deputy Headteacher and the Business Manager and provide a written report. Parents/carers should be contacted as soon as possible by the Senior Deputy Headteacher and the incident explained to them. This action will also be recorded. Staff should keep their own copy of any written report.

18. Training and Responsibilities

Regular training will be given to staff and new staff should be given a copy of the policy as part of their induction.

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

The SENCo/Deputy SENCos will keep staff informed about vulnerable students who may require special attention with regard to their physical management. Staff will consult with the SENCo/Deputy SENCos regarding any concerns that they have about the physical management of vulnerable students. The Senior Deputy Headteacher will be the nominated member of staff with responsibility for monitoring all incidents.

19. Preventative Strategies

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

Intervene early with your voice, presence and:

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

20. POSSIBLE ACTION STEPS

- 1) Tell the student who is misbehaving to stop and tell him/her the possible consequences of failure to do so
- 2) Where possible summon another member of staff/send a student to alert a member of the Leadership Team
- 3) Continue to communicate with the student 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:
 - Providing medical support
 - Providing respite for those involved
 - Accessing external advice/support

Ask all staff and students involved in the incident to provide witness statements as soon as possible.

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 student a feeling of being 'trapped' in any way as this can often inflame reactions. Where possible, allow the student space to move.

Once the incident has been controlled and all parties are safe, report the incident to the Senior Deputy Headteacher and the Business Manager in order that an Incident Report Form can be completed.

21. Dealing with complaints and allegations regarding the use of force

Complaints about actions taken by school staff, including any use of force may be made as follows:

If a specific allegation is made against a member of staff then the school will follow procedures set out in:

- The school's Complaints Policy
- Staff conduct policies

with reference to the following DfE Guidance

- The use of reasonable force advice July 2013 and any update
- Safeguarding Children and Child Protection Guidance

22. Monitoring, Evaluation and Review

The school will review this policy at least every three years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the school.

This policy will be easily accessible and well publicised.

This policy was adopted by the Governing Board on 10 July 2017 and will be reviewed at least every three years.