



THE
GRANGE
ACADEMY

ASPIRE FOR EXCELLENCE

Use of Reasonable Force 2023- 2024

Version Number: 02

Ratified by Local Governing Body: September 2023

Next Review Date: September 2024

Academy Link: Miss L McPartland



Rationale

- (i) This Policy is based on non-statutory guidance from the Department for Education. It is intended to provide clarification on the use of force to help school staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of school leaders and governing bodies in respect of this power.
- (ii) This advice replaces “The use of force to control and restrain pupils – Guidance for schools in England”.

EXPIRY/REVIEW DATE

This Policy will be reviewed each year in order to reflect updated government guidance and the developing needs and profile of the school.

WHAT LEGISLATION DOES THIS GUIDANCE RELATE TO?

DfE: Education and Inspections Act 2006.

DfE: The Use of reasonable force: Advice for Head teachers, staff and Governing Bodies 2013

DfE: Positive Environments where children can flourish: A guide for inspectors about physical intervention and restrictions to liberty.

KEY POINTS

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

1 *What is reasonable force?*

- (i) The term 'reasonable force' covers the broad range of actions that may be used by school staff at some point in their career that involve a degree of physical contact with pupils.
- (ii) 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.
- (iii) 'Reasonable in the circumstances' means using no more force than is needed.
- (iv) 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.
- (v) Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, including but not exclusive of for example when two pupils are fighting and refuse to separate without physical intervention or a learner is actively damaging property.
- (vi) 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 *Who can use reasonable force?*

- (i) All members of school staff have a legal power to use reasonable force.
- (ii) This power applies to any member of staff at the school. It can also apply to people whom the head teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

3 *When can reasonable force be used?*

- (i) Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- (ii) In a school, force is used for two main purposes – to control pupils or to restrain them.
- (iii) 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.
- (iv) 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; and
- Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground.

Schools cannot:

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

4 *Communicating the school's approach to the use of force*

- (i) Every school is required by law to have a behaviour policy and to make this policy known to staff, parents and pupils. The governing body should notify the head teacher that it expects the school behaviour policy to include the power to use reasonable force.
- (ii) There is no legal requirement to have a policy on the use of force but it is good practice to set out, in the behaviour policy, the circumstances in which force might be used.
- (iii) Schools do not require parental consent to use force on a student.
- (iv) Schools should **not** have a 'no contact' policy. There is a real risk that such a policy might place

a member of staff in breach of their duty of care towards a pupil, or prevent them taking action needed to prevent a pupil causing harm.

- (v) During induction the use of physical intervention is discussed to ensure that staff, pupils and parents are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used properly.

5 *Using force*

A panel of experts 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.

6 *Staff training*

- (i) Schools need to take their own decisions about which staff will require training in the use of force, and what that training should be. Some local authorities provide advice and guidance to help schools to develop an appropriate training programme.
- (ii) The Grange Academy regularly refreshes staff in Physical Intervention and De-escalation in line within the protocol set out by Team Teach. (The Schools chosen, accredited training guide).
- (iii) When appropriate specific CPD sessions are delivered by appropriated qualified staff in order to further develop the technique and confidence of staff using reasonable force in order to limit the risk or injury to learners and school staff.
- (iv) Updates of training are in line with Team Teach guidance.

7 *Telling parents when force has been used on their child*

It is good practice for schools to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents. It is up to schools to decide whether it is appropriate to report the use of force to parents.

At The Grange Academy

- Records are kept on of any physical interventions
- Debrief is conducted with child and family
- Debrief is conducted with staff with subsequent planning and updates planned for, in appropriate.

In deciding what is a serious incident, teachers should use their professional judgement and also consider the following:

- The pupil's behaviour and level of risk presented at the time of the incident
- The degree of force used
- The effect on the pupil or member of staff
- The child's age

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

- (i) All complaints about the use of force should be directed to the Executive Principal.
- (ii) 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.
- (iii) 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.

- (iv) Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the “Allegations against adults” guidance 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.
- (v) 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.
- (vi) 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.
- (vii) 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.
- (viii) 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.

9 What about 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.

- (i) Examples of where touching a pupil might be proper or necessary:
 - a. Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
 - b. When comforting a distressed pupil;
 - c. When a pupil is being congratulated or praised;
 - d. To demonstrate how to use a musical instrument;
 - e. To demonstrate exercises or techniques during PE lessons or sports coaching; and
 - f. To give first aid.

10 Family, Student and Staff understanding of Physical Intervention in Schools.

Physical Intervention is an emotive and divisive subject for many philosophical and personal reasons. Within the area of Special Educational Needs and particularly in the management of young people who may present significantly challenging behaviours, it is however, an issue that presents itself with more frequency than in some other areas of education. It is therefore essential that, to prevent a misunderstanding of motive, justification, application or recording, all parties are consistently and fully informed of and understand the Policy.

There are processes that will support a full understanding. These processes begin before a student enters the school, to the point where physical intervention may have been used, and beyond when the student is re-entering the learning environment.

11 Recording a Physical Intervention

The recording of a physical intervention should be standardised to support accuracy and availability of information. The following steps should be applied in all cases:

- (i) All records of physical intervention should be completed and sent to the Executive Principal.
- (ii) The member of staff who initiated the intervention is the person who does the documentation/report/write up of the incident. Details and witness statements can be contributed to the initial report if required.
- (iii) The report must be completed before the end of the working day, and ideally before a member of staff leaves the school site. This ensures that should the report be needed for safeguarding purposes, it is immediately available, communicating transparency of process and good practice.

- (iv) Before a student leaves the school site, following a physical intervention, clarity should be sought, and a record made of
 - a. Any specific aspect of the physical intervention that the student is not happy with or wishes to make a complaint about
 - b. Any marks that have been caused by the physical intervention or that were present before the intervention, which may be confused with those potentially gained in the incident.
 - c. Whether a medical check has been offered, done or is required
 - d. Whether a student refused to cooperate with the acquisition of this information
- (v) On gaining this information, it should be shared with the Principal and then relayed to parents/carers. The relaying of this information should be documented.
- (vi) On all occasions parents/carers should be notified if their child has had physical intervention. This should, on all occasions, take place on the day that the physical intervention took place, and at the earliest appropriate opportunity.
- (vii) If a child is in the care of the Local Authority (LAC/CiC) their Social Worker should be notified, on all occasions, on the day of the incident. This communication should be documented and supported in an email.
- (viii) When the student is in a conducive frame of mind, they should be given the opportunity to be debriefed as to the reasons for the intervention, and to develop strategies or contribute to a plan that will reduce the likelihood of a re-occurrence.
- (ix) The student, when in a conducive frame of mind, should be given the opportunity to read the report, or have it read to them, so they can make comment on its content and accuracy.

12 Recording a Physical Intervention continued

- (x) Signatures, confirming the content of the report, should be sought from:
 - a. all staff who are named in the report
 - b. the student involved
 - c. parent/carer following debrief
 - d. the Executive Principal or member of SLT
 - e. Social Worker if appropriate (LAC/CiC)
- (xi) Completed reports, that have been signed and annotated after a debrief should be scanned and saved as a PDF. This allows The Grange Academy will securely log and save learner and parent/carer agreement of any intervention and outcomes discussed within the debrief meeting on CPOMS.
- (xii) Reports related to past students should be archived confidentially.
- (xiii) A staff debrief should be offered by the onsite Team Teach training where Antecedent, Intervention and techniques are discussed, and when appropriate staff training is identified.
- (xiv) Staff should have access to support, supervision, Occupational Health support where appropriate. Either the staff member of the Senior Leadership Team can initiate this.
- (xv) Students should be made aware of the process for complaint and guided through by an independent adult if necessary.

13 Audit and Management

- (i) The Senior Leadership Team should have 'Physical Intervention' as a standing agenda item at each weekly meeting.

- (ii) Multiple incidents of physical intervention, for an individual student, should trigger the production and development of a Positive Handling Plan in order to best support the needs of the learners.
- (iii) Multiple incidents of physical intervention, for an individual student, should , if appropriate, trigger multi-agency planning in order to construct an agreed approach to student management.
- (iv) Any incident requiring a 'ground hold', due to very high levels of physical risk should trigger the production and development of a Positive Handling Plan and if appropriate a multi-agency planning before that student can access provision within the school building.
- (v) Governors are to have breakdown of physical intervention for each term.
- (vi) The Safeguarding Governor should, each term, audit guidance and practice regarding the application of physical intervention.

ASSOCIATED RESOURCES

Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders (2002)

Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)

<http://www.education.gov.uk/childrenandyoungpeople/sen/sen/types/clneeds/a0013105/guidance-on-the-use-of-restrictive-physical-interventions>

Link to Searching Guidance

Link to Safeguarding

Ministry of Justice advice on self defence (when published) and Home Office PACE codes

<http://www.homeoffice.gov.uk/publications/police/operational-policing/pace-codes/?view=Standard&pubID=810826>

Legislative links

Education and Inspections Act 2006

<http://www.legislation.gov.uk/ukpga/2006/40/contents>