

Appendix 1

Use of reasonable force

1.1 Introduction

This policy reflects the expectations of the Children Act 1989 and the Human Rights Act 1998. It is also consistent with the guidance provided by the Department for Education (DfE). DfE guidance states that schools should not have a 'no contact' policy as 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 either to themselves, other pupils or adults or property.

The DfE produced an advisory document called 'Guidance for Safer Working Practice for adults who work with children and young people'. The document was updated in May 2019 by the Safer Recruitment Consortium. The Keys Academy Trust (TKAT) Staff Code of Conduct references this guidance which includes information on dealing with Behaviour Management and The Use of Control and Physical Intervention. DfE guidance 'Use of Reasonable Force' has informed the content of this policy.

TKAT strives to provide a safe learning environment for all pupils. All members of staff (and anyone whom the Headteacher has given the responsibility to be in charge or in control of the pupils) are lawfully permitted to use reasonable force to prevent pupils committing an offence, injuring themselves or others, damaging property, and to maintain good order and discipline in the classroom. Schools do not require parental consent to use force on a student.

This power extends to times when staff (or other adults see 1.3) are lawfully in charge of pupils but are off the school premises i.e. on a school trip. There is no definition of when it is reasonable to use force and every situation will have to be judged by the person in charge at that time. The degree of force used should be the minimum needed to achieve the desired result.

Sometimes, pupils may get anxious or agitated and strategies used to help pupils calm down such as using communication skills, distraction techniques and removing triggers may not yield results. On rare occasions staff may have to use physical interventions to ensure the pupil's own safety, the safety of other pupils and staff, or to ensure that property is not seriously damaged.

All incidents where staff use the power to apply physical intervention or force will be recorded. The SLT will involve the Designated Safeguarding Lead (DSL) in the review of review all such incidents to determine whether any safeguarding concerns have arisen.

A record will not be made unless directed where pupils are held to help them to calm or reassure them, or where touching a pupil might be proper or necessary. The following examples are not exhaustive but may include:

- Holding the hand of the child when moving around the school or when on visits or in other settings
- 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.

Where directed, the Individual Behaviour Plan and/or Pastoral Support Plan will be reviewed and updated.

Schools have a legal duty to make reasonable adjustments for disabled children and children with Special Educational Needs (SEND). The school SENCO will ensure the co-ordination of specific provision made to support individual pupils with SEND, including those who have EHC plans and provide professional guidance to colleagues to ensure that pupils with SEND receive appropriate support.

TKAT will ensure that staff training is available to meet identified needs. All staff expected to use physical intervention must receive accredited training (e.g., Team Teach) including de-escalation techniques, with regular refreshers. Schools must take responsibility to ensure that appropriate staff attend training and a register is maintained including dates of training and expiry dates to ensure compliance with refresher updates.

1.2 Definition of 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. 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.

1.3 When can reasonable force be used?

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.

Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder. The decision on whether or not to physically intervene is down to the judgement of the adult concerned and should always depend on the individual circumstances.

Adults 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;
- restrain a pupil at risk of harming themselves through physical outbursts.

Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm (see Searching, Screening and Confiscation information in Appendix 2).

This list is not exhaustive but provides some examples of situations where reasonable force can be used.

Schools cannot use force as a punishment. It is always unlawful to use force as a punishment.

Physical Interventions – Definitions

<p>Restraint The reasonable use of minimum force required to overpower a child or young person with the intention of preventing them harming themselves, others or causing serious damage to property (and within education settings preventing behaviour prejudicial to good order).</p>
<p>Holding To assert authoritatively. Action taken to discourage a child or young person from causing harm, damage or disruption but which of itself would not prevent such harm, damage or disruption.</p>
<p>Escorting Accompanying a child or young person for protection or guidance. Escorting may include physical touch.</p>
<p>Breakaway The reasonable use of minimum force required to disengage from dangerous or potentially harmful physical contact with a child or young person.</p>
<p>Reasonable force There is no legal definition of ‘reasonable’. The use of force can only be regarded as reasonable if the circumstances of the particular incident warrant it and the degree of force employed is proportionate to the level of challenging behaviour presented or the consequences it is intended to prevent.</p>

The following restraint techniques have been identified as presenting an unacceptable risk when used on children and **must not** be used. These techniques also pose risks including positional asphyxia, which is strictly prohibited:

- × 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.

1.4 Prevention

Children or young people who are constantly in conflict with themselves or others are less able to access learning and develop their potential. Children and young people with difficult or challenging behaviour should be helped to manage themselves in ways that enables them to learn and develop. In order to do this a stepped approach to the prevention of confrontative and challenging behaviour will be adopted including:

- Ensuring the best possible match between the child or young person's needs and the staff's ability to meet those needs.
- Developing an ethos in which there is the expectation that children and young people will be well behaved. It is believed that children and young people develop and learn self-control better through reward and positive responses to acceptable behaviour rather than disapproval and imposition of sanctions when they behave badly. A major factor in creating an environment, which is generally well ordered, is the quality of the relationships between staff and children/young people. Staff and carers will work to develop relationships with children and young people based on mutual trust and respect and will use these to communicate expectations regarding acceptable behaviour.
- It is recognised that staff and carers need to feel safe in order to carry out their duties and the school will ensure that they receive the necessary training and support to enable them to do so. It is not acceptable for staff or carers to become the victims of verbal or physical abuse from children/young people and their parents, and all options will be explored to prevent this from happening.
- Adopting a non-confrontative, pragmatic and problem-solving approach to signs of mounting anger in children and young people. When children/young people begin to lose control staff and carers will explain clearly what is expected and will tell and show the child or young person how to behave in an acceptable manner. In these circumstances staff and carers will demonstrate to children and young people unconditional positive regard (while clearly identifying their behaviour as unacceptable) and keep in mind throughout that the purpose of intervention is to enable the child or young person to learn self-control.
- Intervening early when there are signs of increased aggression and employing techniques of defusion and de-escalation to calm and distract young people to enable them to regain self-control. This includes for additional adult support to be summoned prior to any physical intervention to provide witnesses/support. The best prevention is based on a full and proper understanding of a child or young person's needs. The better the child or young person's needs are understood and met, then the less the likelihood of confrontation. Where children and young people are known to have challenging behaviours then a proper risk assessment followed by shared planning is the basis for appropriate management.
- Involving both professionals and parents/carers in developing a behaviour management strategy within the child's care plan / pastoral support plan and /or behaviour management plan for those who have enduring self-management difficulties. The strategy will include agreement on reasonable expectations in relation to the child or young person's behaviour and on the strategies to be adopted to manage future difficulties. They will also indicate what rewards are available for improved behaviour and what sanctions will be imposed for further incidents of unacceptable behaviour.
- Resorting to the use of physical interventions, including restraint, as a last resort. The use of restraint is an act of care intended to provide external control to a child or young person who has temporarily lost self-control. It is important to take the use of restraint extremely seriously and to ensure that an opportunity is offered to the child/young person to reflect on their experiences, and that staff involved will be debriefed after a restraint in order to promote learning and to reduce the likelihood of future incidents.
- There is a stepped approach to prevention which begins with developing an ethos in which good behaviour is a reasonable expectation, proceeds through to a number of stages of intervention to deal with signs of mounting anger and aggression and culminates in the use of force (restraint) only as a last resort.

1.5 Risk Assessment

In any school there will be a small minority of children whose behaviour in some circumstances may need to be managed by the use of planned physical intervention.

Where this behaviour has the potential to cause harm, injury or serious damage, early identification and appropriate intervention through a planned risk assessment is necessary in order to minimise potential difficulties and ensure the safety of all involved.

The risk assessment should not only focus on the potential for aggressive / challenging behaviour but for those children and young people who are deemed to be vulnerable through emotional and traumatic experiences. The risk assessment should result in an appropriate plan which identifies the steps and support necessary to be put into place.

See Risk Assessment proforma (Form A)

1.6 Partnership

Experience shows that the best outcomes for children and young people who have enduring problems with challenging behaviours are achieved through staff, parents/carers and other professionals working in partnership. Partnership will be best promoted through the following means:

- Involving parents/carers by keeping them informed of concerns about their children/young person's difficult/challenging behaviour.
- Planning, agreeing and regularly reviewing with parents/carers strategies (including any sanctions) to deter inappropriate behaviour and encourage the development of more appropriate behaviour.
- Working with parents/carers and other professionals (for e.g. Education Welfare Officers, Clinical or Educational Psychologist, Social Workers, Health Professionals, Voluntary Carers, Outreach Workers etc.) may be involved with the child or young person to develop a fuller understanding of their needs and for these to be reflected in their care plan and/or personal support plan.
- Working collaboratively with the council to promote staff and carers' safety and ensure best outcomes for children and young people.

1.7 Recording and Monitoring

The school will keep a separate, detailed, written record of every incident of restraint (see Form B).

The designated senior member of staff will read every report and will address any issues which arise. Other interventions involving the use of physical interventions will also be recorded.

Schools are required to keep written records of restraint for 75 years after the date of birth of the child. To ensure that records are kept a Bound and Numbered book should be used to record all incidents of restraint ([TeamTeach Portal \(coreprint.net\)](https://www.teamteach.com/coreprint.net)). This can be used in conjunction with Form B which schools will use to keep their electronic records up to date (CPOMS). These books should be kept in a safe and secure location. All records will be regularly reviewed by the designated senior member of staff to monitor the use of physical interventions generally and identify any issues or trends (whether particular children/young people or staff/carers are more frequently involved in incidents or whether particular situations trigger incidents, etc.) and consider whether any action is necessary.

Parents/carers should be informed 'as soon as is practicable' when significant force has been used on their child. While parental consent is not required to use reasonable force, timely communication following incidents is essential. Parents should be told:

- When and where the incident took place
- Which members of staff were directly involved
- The strategies used to try to avoid having to use force

- What force was used
- Whether there were any injuries
- What follow up actions (support and/or disciplinary) was being taken in relation to their child

1.8 Complaints

When children or young people are seriously out of control physical intervention may be unavoidable and may result inadvertently in the child being harmed/injured. In these circumstances it is the behaviour of the child or young person which determines the degree of force required to bring them under control which may lead to injury, rather than the intention of the member of staff or carer to cause harm.

If a child or young person is harmed in the course of a physical intervention and he/she or his or her parents wish to make a complaint then this will be taken seriously and investigated thoroughly in line with the Child Protection (Allegations Against Staff) Procedures.

Under no circumstances whatsoever should a parent take direct physical action against a member of staff or carer. If this should happen, staff within schools or establishments would be supported in the action they may wish to take in terms of legal redress in respect of the parent.

In this difficult area it is important to balance up the primary consideration, which is the safety and welfare of children and young people, with the principles of natural justice in relation to the member of staff or carer concerned. As a general rule, genuine attempts to use approved methods of physical intervention in appropriate circumstances would not attract a disciplinary response (even if the child or young person is harmed) – though such circumstances may indicate a training need.

FORM A:

RISK ASSESSMENT PROFORMA FOR ASSESSING AND MANAGING FORESEEABLE RISKS FOR CHILDREN WHO PRESENT CHALLENGING BEHAVIOURS

ASSESSING AND MANAGING FORESEEABLE RISKS FOR CHILDREN WHO PRESENT CHALLENGING BEHAVIOURS

Name of child:

Class group:

Name of teacher:.....

IDENTIFICATION OF RISK	
Describe the foreseeable risk.	
Is the risk potential or actual?	
List who is (or could be) affected by the risk.	

ASSESSMENT OF RISK	
In which situation does the risk usually occur?	
How likely it is that the risk will arise?	
If the risk arises who is likely to be injured or hurt?	
What kinds of injuries or harm are likely to occur?	
How serious are the adverse outcomes?	

Assessment completed by:

Signature:..... Date:.....

RISK REDUCTION OPTIONS

Measures	Possible options	Benefits	Drawbacks
Proactive interventions to prevent risk			
Early interventions to manage risk			
Reactive interventions to respond to adverse outcomes			

AGREED BEHAVIOUR MANAGEMENT PLAN & SCHOOL RISK MANAGEMENT STRATEGY

Focus of measures	Measures to be employed	Level of risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		

Agreed by:

Relationship to child:

Date:

COMMUNICATION OF BEHAVIOUR MANAGEMENT PLAN AND SCHOOL RISK MANAGEMENT STRATEGY

Plans and strategies shared with:	Communication method	Date actioned

STAFF TRAINING ISSUES

Identified training needs	Training provided to meet needs	Date training completed

EVALUATION OF BEHAVIOUR MANAGEMENT PLAN AND SCHOOL RISK MANAGEMENT STRATEGY

Measure set out	Effectiveness in supporting the child	Impact on risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		

ACTIONS FOR THE FUTURE

Plans and strategies evaluated by:

Relationship to child:

Date:

Record of Restraint

Pupil's name:

Year Group:

Date/time/location of incident:

.....

Reason for the use of restraint (evidence of harm, damage, disruption):

.....

.....

Details of events leading to restraint:.....

.....

.....

De-escalation techniques used prior to restraint (tick as appropriate):

- | | | | |
|-------------------------|--------------------------|-----------------|--------------------------|
| Verbal advice/support | <input type="checkbox"/> | Reassurance | <input type="checkbox"/> |
| Calming | <input type="checkbox"/> | Re-direction | <input type="checkbox"/> |
| Distracting | <input type="checkbox"/> | Humour | <input type="checkbox"/> |
| Negotiation | <input type="checkbox"/> | Options offered | <input type="checkbox"/> |
| Increase personal space | <input type="checkbox"/> | Instructions | <input type="checkbox"/> |
| Use of body language | <input type="checkbox"/> | Warnings | <input type="checkbox"/> |

Other (specify):

.....

Details of restraint (**who was involved, what techniques were used**):

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

Duration of any measure of restraint:

.....
.....

Witnesses to the incident

:

Staff:

Pupils:

Other:

Details of any damage or injuries to pupil concerned/other pupils/staff/others:

Was medical treatment necessary? Y/N

Details:

.....
.....

Was an Accident Report and/or Incident Report required? Y/N

Was this intervention part of an agreed Behaviour Management Plan (BMP)? Y/N

Does the existing BMP need amendment? Y/N

Is a BMP now required for this pupil? Y/N

Action taken following the incident

(including pupil's response and whether a debriefing interview with the staff member using the restraint has occurred):

.....
.....

NOTIFICATION

Identify all who have been informed and when:

	Y/N	Date/Time
Headteacher/designated person		
Parents/Carers		
Other professionals (specify)		
Police		

Comments of child/young person: (ideally within 24 hours and no longer than 5 days following the restraint)

.....

Signature of Report Compiler

.....

Date

Signature of others involved

.....

Date

Signature of child/young person

.....

Date

Headteacher/Designated Person's comments:

.....

.....

Was the person using the restraint authorised?

YES/NO

Was the person using the restraint trained?

YES/NO

.....

Date

Signature