



Use of Reasonable Force Policy

Author/owner: Principals/Directors

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We are a rights respecting school. All our policies and procedures are written and reviewed to ensure that children's rights, as detailed in the United Nations Convention on the Rights of the Child, are respected and promoted.
Article 29: Education should help children use and develop their talent and abilities. It should also help children learn to live peacefully, protect the environment and respect other people.

For more information on the convention and the rights of each child visit: <http://www.unicef.org.uk/>

Use of Reasonable Force Policy

'The use of Positive Handling to support the management of physically challenging behaviour.'

The responsible person for the implementation of the policy is the Headteacher. This policy will be reviewed annually with the next review date set as July 2019.

The policy has been developed in line with DFE Guidance, Use of Reasonable Force (July 2013) and Keeping Children Safe in Education September 2018.

The policy should be read in conjunction with other school policies relating to interaction between adults and pupils, including Behaviour Policy, Safeguarding and Health and Safety.

Equality Act 2010

The Three Saints Academy Trust and its schools understand that, under the Equality Act 2010, it has a responsibility to: eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the act; advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. The Three Saints Academy Trust also recognise the additional vulnerability of children with SEN, disabilities or medical conditions in relation to making reasonable adjustments.

The policy has been prepared for the support of all teaching and support staff who come into contact with pupils and for volunteers working within the school to explain the school's arrangements for use of reasonable force. Its contents are available to parents and pupils. A statement about the School's Behaviour policy is made to parents in the School prospectus and within each Home School Agreement. This statement includes information on the use of reasonable force to control or restrain pupils. By signing Home School Agreements parents are acknowledging the school's power to use reasonable force in the circumstances described in this policy. Parental consent is not required to positive handle a pupil.

Purpose of Policy:

Good personal and professional relationships between staff and pupils are vital to ensure good order in our school. It is recognised that the majority of pupils in our school/provision

respond positively to the discipline and control practiced by staff. This ensures the well-being and safety of all pupils and staff in school/provision. It is also acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of reasonable force may be required. The term "reasonable force" covers the broad range of actions used by staff that involve a degree of physical contact to control or restraint children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young child needs to be restrained to prevent violence or injury. "Reasonable" in these circumstances means "using no more force than is needed". The use of force may involve 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 the classroom. Each school acknowledges that physical techniques are only part of a whole setting approach to behaviour management.

Every effort will be made to ensure that all staff in each school of the Three Saints Academy Trust:

- (i) Clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where reasonable force is necessary and
- (ii) Are provided with appropriate training to deal with these difficult situations.

Implications of the policy:

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 any offence (or, for a pupil under the age of criminal responsibility what would be an offence for an older pupil);
- causing personal injury to, or damage to the property of, any person (including the pupil himself);
- 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. (Section 93 of the *Education and Inspections Act 2006* makes it clear that force may be used to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

The application of any form of physical control places staff in a vulnerable situation. It can only be justified according to the circumstances described in this policy. Staff, therefore, have a responsibility to follow this policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention.

Reasonable force will only be used as a last resort when all other behaviour management strategies have failed or when pupils, staff or property are at risk.

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

School cannot:

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

It is important to note that the use of reasonable force will only be applied at each school as a last resort, when all other alternatives have been exhausted and that any force used will be reasonable, proportionate and absolutely necessary.

Acceptable measures of physical intervention as per Team Teach trained methods:

- Strategies for preventing the occurrence of behaviours which precipitate the use of a physical intervention
- Strategies for 'de-escalation' or 'diffusion' which can avert the need for a physical intervention
- Procedures for post incident support and de-briefing for staff, children, service users and their families
- The concept of reasonable force where 'reasonableness' is determined with reference to all the circumstances, including

- The seriousness of the incident:
 - The relative risks arising from using a physical intervention compared with using other strategies
 - The age, cultural background, gender, stature and medical history of the child or service user concerned
 - The application of gradually increasing or decreasing levels of force in response to the person's behaviour
- The approach to risk assessment and risk management employed
 - 'Time out' allowing pupils to reflect on their behaviour in a room or area which they may freely leave which is away from their usual classroom environment.
 - 'Withdrawal' which involves removing the person from a situation which causes anxiety or distress to a location where they can be continuously observed and supported until they are ready to resume their usual activities.
 - The distinction between planned physical interventions (where incidents are foreseeable) in that they have occurred previously and a response planned following an appropriate risk assessment and the use of force in emergency situations (which cannot reasonably be anticipated) i.e. Positive Handling Plans (Appendix 3) are in place.
 - First aid procedures to be employed and those responsible for implementation in the event of an injury or physical distress arising as a result of a physical intervention.

Wherever possible, assistance will be sought from another member of staff. Positive Handling at each school is seen as a proactive response to meet individual pupil needs and any such measures will be most effective in the context of the overall ethos of the school, the way that staff exercise their responsibilities and the behaviour management strategies used.

A specific script used by staff at each school in order to support each other is the 'Help Protocol'. The following provides an aide memoir of this script:-

Help Protocol

'Hello Mr/Mrs (name of staff)', where appropriate the pupil should also be engaged by the use of their name. 'Help is available.....'

The response from the member of staff should always be - 'Yes please'.

'How can I help?' is the question that should then be posed allowing the member of staff originally involved in the incident to retain control of the situation.

'You can help by.....' enables effective support to be provided for all concerned.

Recording:

Where physical control and restraint has been used a record of the incident will be kept. This record should be made in the school Serious Incident Book. This is a hard-backed book, with numbered pages. In addition, a Positive Handling Incident Form (Appendix 1), will also be completed and filed in the individual child's file. A record should be made in Arbor as a 'Positive Handling Incident'.

Appropriate documentation will be completed as soon as possible after the incident, normally prior to staff going off duty and be signed by all staff involved and the Senior Leadership Team.

All adults involved in and/or observing the incident is required to complete the relevant recording form. The young person is also welcome to contribute their account in whatever way is appropriate.

The incident will be reported to each parent in person and a form confirming notification will be signed during this discussion. In this case "parent" has the meaning given by section 576 of the Education Act 1996, and so will include people having day-to-day care of the child and the local authority where the child is the subject of a care order. Section 576 also deems the local authority as a "parent" in the case of children who are looked after under Section 20 of the Children Act 1989. If it is likely that reporting an incident to a parent will result in significant harm to the pupil, then safeguarding procedures should be initiated.

The appropriate Health and Safety Accident/Incident Form(s) will be completed and returned to Head teacher of School and CEO of Trust in situations where injury has occurred to either members of staff or pupils.

Action after an incident:

Where staff have been involved in an incident involving reasonable force they should have the opportunity for a brief period of rest and relaxation and in the case of more serious incidents, access to support.

The Headteacher will ensure that each incident is reviewed and investigated further as required. If further action is required in relation to a member of staff or a pupil, this will be pursued through the appropriate procedure:

- Review of the pupil's IEP/IBP/Positive Handling Plan
- School Behaviour Policy
- Exclusions Procedure
- Child Protection and Safeguarding
- Staff or Pupil Disciplinary Procedure

The member of staff will be kept informed of any action taken.

In the case of any action concerning a member of staff, he/she will be advised to seek advice from his/her professional association/union.

Complaints:

The availability of a clear policy about reasonable force and early involvement of parents should reduce the likelihood of complaints but may not eliminate them.

Any complaints about staff will be investigated through the School's Complaints Policy. If necessary the complaint will be dealt with by the Staff Disciplinary Procedures and/or Child Protection Procedures.

Monitoring incidents:

Whenever a member of staff has occasion to use reasonable force, this will always be recorded and documented following agreed procedures. Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the Headteacher to the needs of any pupil(s) whose behaviour may require the use of reasonable force.

Monitoring of incidents will take place on a regular basis and the results used to inform planning to meet individual pupil and school needs. A Register of False Accusations made against staff will be maintained as an additional safeguard for staff working in this difficult area.

To support the Headteacher and school the Director of Wellbeing will monitor the number of Positive Handling Incidents within the Three Saints Academy Trust via scheduled termly reports from Arbor and will audit the Team Team Incident Book during annual safeguarding

audits on each school. Any concerns will be brought to the attention of the CEO. In addition, the Headteacher's report to Governor's will include a report of the number of incidents and issues arising.

Definitions of Positive Handling:

No legal definition of reasonable force within a schools context exists, however for the purpose of this policy and the implementation of it within the Three Saints Academy Trust and in line with the DFE Guidance on Use of Reasonable Force (July 2013) this policy does more than simply outline the use of physical intervention at each school. It describes the acceptable physical interaction between staff and pupils on a daily basis. Based on the principles of moving from least intrusive to more restrictive holding we have divided interaction into three definable areas.

Physical Contact:

Situations in which physical interaction occurs between staff and pupils to either care for pupils who may be distressed or have severe and profound learning disabilities, or in subject areas such as physical education in order to promote inclusive learning opportunities and deliver the National Curriculum. In addition staff will also use positive touch to comfort pupils and as part of the PSHE/social curriculum in order to teach them more appropriate ways of seeking attention. Where possible, staff will always endeavour to use 'safe hugs' and the 'friendly hold' as defined in Team Teach training.

Physical Intervention:

This may be used to divert a pupil from a destructive or disruptive action, for example guiding or leading a pupil by the arm or shoulder with little or no force. The techniques implemented here will include 'turn, gather, guide' and the 'friendly or small child hold'. The important factor within these situations is the compliance of the child as a result of the intervention.

Physical Control and Restraint/Restrictive Physical Intervention:

This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property. It is important to note that the use of 'reasonable force' should be seen as a last resort. All such incidents are recorded and reported to parents and will be stored in a secure way.

Whenever possible techniques accredited by Team Teach will be used, they are authorised for staff to use by the Headteacher.

As indicated the level of compliance from the pupil determines whether or not the interaction is an intervention or a control/restraint. If in doubt, then staff should always record the incident using the standard approved recording form.

Underpinning values:

Everyone attending or working in this school has a right to:

- recognition of their unique identity;
- be treated with respect and dignity;
- learn to work in a safe environment;
- be protected from harm, violence, assault and acts of verbal abuse.

Pupils attending this school and their parents have a right to:

- individual consideration of pupil needs by the staff who have responsibility for their care and protection;
- expect staff to undertake their duties and responsibilities in accordance with the school's policies;
- be informed about school rules, relevant policies and the expected conduct of all pupils and staff working in school;
- be informed about the school's complaints procedure.

Each school will ensure that parents/carers and pupils understand the need for and respond to clearly defined limits, which govern behaviour in the school. In turn parents/carers will have committed themselves through the 'Home School Agreement' to promote the good behaviour of their child and that efforts have been made by them to ensure that he/she understands and follows the school's Behaviour Policy.

Authorised staff:

At each school the power to use reasonable force applies to any member of staff, and any other person to whom the head has authorised to have control or charge of pupils. This can

also include people to whom the head has given temporary authorisation to have control or charge of pupils such as unpaid volunteers. The power may be used where the pupil (including a pupil from another school) is on the school premises or elsewhere in the lawful control or charge of the staff member (e.g. a trip or visit).

The school provides training for staff and a list of all those staff trained is kept with training renewal dates clearly marked.

The Headteacher is responsible for making clear to whom such authorisation has been given, in what circumstances and settings they may use force and for what duration of time this authorisation will last. The Headteacher will ensure that those authorised are aware of, and understand, what the authorisation entails. Those whom the Headteacher has not authorised will be told what steps to take in the case of an incident where control or restraint is needed.

Support Services will have their own policies for Use of Reasonable Force. When working within school, it is the Headteachers responsibility to ensure that colleagues from Support Services are aware of school policy and practice. The Headteacher in the school will be accountable for their actions while in the school.

Training:

Training for staff will be made available and is the responsibility of the Headteacher. Prior to any practical training theoretical aspects of effective behaviour management will have been delivered and arrangements will be made clear as part of the induction of staff and training will be provided as part of ongoing continued professional development for staff.

The Trust ensures staff are trained by an approved Team Teach instructor. Team Teach is an accredited provider with the British Institute of Learning Disabilities (BILD) and the Trust are committed to implementing the T.E.A.M T.E.A.C.H. Approach, 'working together to safeguard people and services'. Further information in relation to T.E.A.M. T.E.A.C.H. can be found at www.team-teach.co.uk.

All training provided at each school takes into account the need for awareness around elevated risks in association with restrictive physical interventions. This aspect is a core element of the curriculum provided by Team Teach. Training is regularly reviewed.

Physical techniques are not used in isolation and each school is committed to ensuring that as a result of incidents learning opportunities are created for children that allow them to 'own' and take responsibility for their behaviour.

In addition, procedures will be put in place to ensure that appropriate support is provided for staff and that following an incident pupil/staff relationships are rebuilt and repaired to ensure that a positive learning environment is maintained.

All the techniques used take account of a young person's:

- age,
- gender,
- level of physical, emotional and intellectual development,
- special needs,
- social context.

They also provide a gradual, graded system of response.

Where appropriate Positive Handling Plans (Appendix 3) are written for individual children and where possible, these will be designed through multi agency collaboration e.g. when devising Pastoral Support Plans.

Risk Assessments are completed against each child when physical restraint may need to be used in the context of the identified target behaviour(s) and environments in which they occur. The assessment should identify the benefits and the risks associated with the strategies being proposed.

Training in this area includes a comprehensive review of the agreed standard incident monitoring forms and any school-specific pupil level recording that is being used for planning and evaluating behaviour modification strategies.

Teachers or other staff whose job includes responsibility for pupils cannot lawfully be prevented from using reasonable force. The absence of accredited training does not preclude a member of staff from using reasonable force when needed.

Strategies for dealing with challenging behaviour:

As endorsed in the school's Behaviour Policy, staff utilise consistent positive strategies to encourage acceptable behaviour and good order.

Every effort will be made to resolve conflicts positively and without harm to pupils or staff, property, buildings or the environment. Where unacceptable behaviour threatens good order and discipline and provokes intervention, some or all of the following approaches should be taken according to the circumstances of the incident.

- Verbal acknowledgement of unacceptable behaviour with request for the pupil to refrain; (this includes negotiation, care and concern)
- Further verbal reprimand stating:
 - that this is a repeated request for compliance;
 - an explanation of why observed behaviour is unacceptable;
 - an explanation of what will happen if the unacceptable behaviour continues.
- A statement of intent that physical intervention may well be used alongside a reminder that holding will cease when the child shows compliance. If possible summon assistance from (cite school support structures).
- Physical intervention. Reasonable force being used to prevent a child harming him or herself, others or property.

Training in physical intervention given to staff will include sections on the current legal framework, background, theory and rationale behind the T.E.A.M. T.E.A.C.H. Approach as well as an understanding of personal space, body language and a personal safety curriculum prior to any physical techniques being taught.

Team Teach techniques seek to avoid injury to the pupils, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as failure of professional technique, but as a regrettable and infrequent side effect of ensuring that the pupil remains safe.

Further sources of information

- 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) Click Here: <http://media.education.gov.uk/assets/files/pdf/g/guidance%20on%20the%20use%20of%20restrictive%20physical%20interventions.pdf>
- Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003) Click Here: http://media.education.gov.uk/assets/files/pdf/g/guidance%20on%20the%20use%20of%20restrictive%20physical%20interventions%20for%20pupils%20with%20severe%20behavioural%20difficulties_2003.pdf

- Screening, searching and confiscation – advice for headteachers, staff and governing bodies. (Jan 2018) Click Here: <https://www.gov.uk/government/publications/searching-screening-and-confiscation>]
- Guidance on the Use of Reasonable Force (July 2013)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf