

SHEFFORD LOWER SCHOOL



POLICY FOR THE USE OF FORCE BY STAFF TO CONTROL OR RESTRAIN PUPILS

In formulating its policy, Shefford Lower school has regard to the DFE guidance document <http://www.education.gov.uk/aboutdfe/advice/f0077153/use-of-reasonable-force> (Appendix 1) and Local Authority guidance.

What the law says:

School staff are enabled to use such force as is reasonable to prevent a pupil from doing/ continuing to do any of the following:

- a) Committing any offence (or, for a pupil under the age of criminal responsibility, what would be considered an offence for an older pupil);
- b) Causing personal injury to, or damage to the property of, any person (including the pupil himself); or
- c) 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.

This power applies to the following staff:

- I. Any teacher who works at the school, and any other person who the Headteacher has authorised to have control over the pupils. This includes:
- II. Support staff whose job normally includes supervising pupils, such as teaching assistants and midday supervisors.
- III. Can also include people to whom the Headteacher has given temporary authorisation to have control or charge of pupils such as paid staff whose job does not normally involve supervising pupils (e.g. catering staff, premises related staff) and unpaid volunteers (e.g. parents accompanying pupils on visits).
- IV. Does not include 'prefects', work experience students or 'young leaders'.

The power may be used where the pupil (including a pupil from another school) is on the premises or elsewhere in the lawful control or charge of the staff member (e.g. on a school visit).

There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would have to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result.

Those exercising the power to use force must also take account of the any particular special educational need and/ or disability the pupil might have. Under the Equality Act schools have two key duties:

- a) Not to treat a disabled pupil less favourably, for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification; and
- b) To take reasonable steps to avoid putting disabled pupils at a substantial disadvantage to pupils who are not disabled (known as the reasonable adjustments duty).

The statutory power conferred by section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence, to prevent another person from being injured or committing a criminal offence. In respect of preventing injury or damage to

property the statutory power is similar in scope to the common law, except that it is only available to people authorised to have control or charge of pupils.

Reasonable force may also be used in exercising the statutory power to search pupils without their consent for weapons. This power applies to Headteachers and those authorised to by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Schools are strongly advised not to search such pupils where resistance is likely but to call the police.

<http://media.education.gov.uk/assets/files/pdf/s/screening%20searching%20and%20confiscation%20-%20advice%20for%20head%20teachers%20staff%20and%20governing%20bodies.pdf>

It is always unlawful to use force as a punishment because it would fall within the definition of corporal punishment.

SCHOOL POLICY

Objectives:

To take all reasonable steps to ensure the safety, well-being and protection of children and adults in school.

To maintain an environment in which children feel safe, secure and able to learn well.

To take reasonable steps to prevent serious breaches of school discipline.

To prevent serious damage to property.

Minimising the use of force:

A supportive and purposeful learning environment is created by enabling the children to feel safe, secure and happy in their learning. This is achieved by whole school expectations, made explicit to pupils so boundaries are understood.

Poor behaviour is escalated when children perceive the adult is inconsistent or losing control. This is conveyed by tone of voice, shouting, emotive language. At Shefford Lower School, staff conduct themselves in a controlled and calm manner at all times, distancing themselves from the behaviour and managing it objectively. There is a no shouting policy, but it is understood that shouting may be necessary to draw a child's attention to a risk or danger in an emergency situation.

Shefford Lower is a 'Values School'. Staff role model the values in their interactions with each other, with children and through their own conduct.

The PSHCE curriculum is delivered to all pupils and additional resources are used with specific pupils/ groups to meet specific needs.

Force is only used when the risks in doing so are outweighed by the risk involved in not using force.

De-escalation strategies are used to reduce or avoid the need to use force.

Where the use of force is anticipated to be a possibility advice is sought from the Jigsaw Behaviour Support Service and Access and Inclusion Support Service. Risk assessments and positive handling plans are agreed for individual pupils with their parents. It is not always possible to anticipate that this will be necessary, for example when there is a sudden change or deterioration in behaviour.

People authorised to use force:

Permanent authorisation:

All qualified teachers are authorised to use force or restraint, in an emergency situation to prevent a child causing physical injury to themselves or to another person.

TEAM TEACH trained staff:

A list of TEAM TEACH trained staff is displayed in the school staffroom.

All staff receive de-escalation training and should take steps to de-escalate a situation at the earliest opportunity.

A TEAM TEACH trained member of staff should be called for at the earliest signs that a situation may be escalating. This is ideally before the need for the use of force or restraint so that there is the best opportunity to de-escalate the behaviour.

Temporary authorisation:

Any member of support staff deemed to be responsible for the children at the time.

Any adult employee, trainee or volunteer, in an emergency situation to prevent a child causing physical injury to themselves or to another person.

Deciding whether to use force:

Force should only be used when:

The potential consequences of not intervening are serious enough to justify using force.

The use of force is the only likely way of achieving the desired result i.e a safe environment.

Force is only used when the risks in doing so are outweighed by the risk involved in not using force.

Any staff other than the class teacher, who are given temporary responsibility for a pupil who presents a particular risk to themselves or others, will be informed by the class teacher prior to taking that responsibility. They will be made aware of the child's IEP/ pastoral support plan, risk assessment and positive handling plan.

Staff should minimise the highest risks, for example calling the emergency services if a child has placed themselves out of reach, if a child suspected of having a weapon is likely to resist a search.

Force should only be used when there is No Other Way (It is a NOW situation).

Using force:

Only the minimum amount of force needed to ensure a safe situation should be used.

Prior to any physical contact in a situation requiring the use of force, a verbal warning should be given that force may have to be used, and the type of restraint. e.gI may have to take it from you, I may have to hold your arms, I may have to put my arms around you to hold you still.

Be aware that any hold that may restrict breathing must be avoided e.g around the neck/ chest/ major body organs.

As far as possible, force should only be used when there is another responsible adult present to support, observe and call for assistance.

Staff training:

Whole staff training in the Guidance about the use of force is delivered every 2 years. All staff are issued with a copy of the document 'Physical Intervention Guidance'.

Recording incidents:

Any incidents requiring physical intervention/ the use of force should be reported to the Headteacher immediately.

Such incidents should be recorded in the Bound and Numbered book and given to the Headteacher/ Deputy Headteacher on the same day.

The behaviour log should be updated with the incident on the same day.

Such incidents should be recorded in the accident/ near misses record using the on line reporting system in the office, within 24 hours.

Post incident support:

Incidents are followed-up by the Headteacher/ Deputy Headteacher in conversation with the member of staff. Within this conversation the situation will be reviewed, adjustments agreed and support offered.

It may be appropriate for the member of staff to have a break following an incident. Staff are aware of the Employee Support Service and support may be sought from the Behaviour Support Service.

Parents:

Parents will be informed as soon as possible if their child has been physically restrained or handled, on the same day as the incident. This will be recorded and the parents will be invited to come and discuss the incident. A consistent handling plan will be written with the parents and signed by them. (Refer to the School’s Behaviour Policy).

Complaints and Allegations:

All staff are made aware of the Safer Working Practices Document on their induction, and on the first inset day of each school year thereafter.

In the case of any complaints or allegations, the Local Authority’s guidance will be followed, as written within the Personnel Handbook.

Staff are made aware of this guidance (First inset day each year, staff hand-book, during staff induction). This includes the role of the LADO (Local Authority Designated Officer) and the duty to report any allegations and follow advice.

Any concern or complaint made to a member of staff, in respect of physical handling or the use of force, must be reported to the Headteacher on the same day.

Related Policies:

- Behaviour Policy
- Individual Needs Policy

Monitoring and review:

This policy will be reviewed every 3 years or when new guidance is issued. The senior management team will review incidents, risk involved and actions taken at least termly.

Date Reviewed:	November 2019	
Approved by:	Pamela Finch	
Chair of Governors	Valerie Thompson	
Inclusion Manager	Polly Ross / Lauren Robinson	
Next Review Date:	October 2022	