

SHEFFORD LOWER SCHOOL

POLICY FOR THE USE OF REASONABLE FORCE BY STAFF



Written by	Adopted by staff	Ratified by governors	Review date
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At Shefford Lower School we strive to create an environment in which both children and adults feel happy, safe, secure and valued. We have a responsibility for the pastoral care, general welfare and safety of the children in our care and we aim to ensure a whole school approach to positive behaviour known and understood by all staff, children, parents and outside agencies. We create an environment where each child is valued for his or her unique talents and abilities, and in which all our children are supported and can learn and develop to their full potential.

The use of reasonable force upon any pupil by a member of staff is a serious matter, and should only be considered as a last resort. However, the law is clear and the Governing Body has a responsibility to all concerned, to support any member of staff who, as a last resort, uses reasonable force in accordance with the law, and with this policy. All school staff adhere to the ethical framework and act selflessly and with objectivity in preserving the happy and safe environment within the school.

Purposes of the policy:

- To provide clarification on the use of reasonable force in our school
- To enable staff to feel more informed and confident about the use of reasonable force when they believe it to be necessary
- To make clear the responsibilities of the Head teacher, senior staff and governing bodies in respect of this power following government advice
- To protect all pupils against any form of physical intervention, which is unnecessary, inappropriate, excessive or harmful
- To develop and implement training and guidance for staff (teaching and non-teaching) so that they are clear about the circumstances in which they might use reasonable force to restrain pupils and how such force might be applied
- To ensure school staff have a legal power to use force and lawful use of this power will provide a defence to any related criminal prosecution or other legal action
- To outline that suspension should not be an automatic response when a member of staff has been accused of using excessive force and senior school leaders should support their staff when they use this power

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:

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

Equality statement

The governors and staff are committed to ensuring that everyone is treated fairly in accordance with the school's values. We are committed to providing the full range of opportunities for all individuals, regardless of gender, disability, ethnicity, social, cultural or religious background, and to overcoming any barriers to that access. We believe all individuals have the right to an environment, which dispels ignorance, prejudice or stereotyping, in which to learn and develop.

This power applies to the following staff:

- Any teacher who works at the school, and any other person who the Headteacher has authorised to have control over the pupils. This includes:
- Support staff whose job normally includes supervising pupils, such as teaching assistants and midday supervisors.
- 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).
- **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.
- **Temporary authorisation:** Any member of support staff deemed to be responsible for the children at the time, any adult employee, or volunteer, in an emergency situation to prevent a child causing physical injury to themselves or to another person can use reasonable 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 ISP/ Consistent Behaviour Plan and Risk Assessment.

Documentation and guidance:

- [Keeping Children Safe in Education September 2020](#)
- [Government advice use of reasonable force in schools](#) 2013

- [Education and Inspections Act 2006](#)
- [Equality Act 2010](#)
- [Searching, Screening and Confiscation Advice for Schools 2018](#)

This policy should be read in conjunction with:

<https://www.sheffordlowschool.co.uk/parents/policies>

- Behaviour policy
- Send policy
- Safeguarding policy
- Code of Practice

What is 'reasonable force'?

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 - to hold back physically or to bring a pupil under control in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

When can reasonable force be used?

Force is only used when the risks in doing so are outweighed by the risk involved in not using force. The power to use reasonable force may be applied where the pupil (including a pupil from another school) is on the premises or elsewhere in the care 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.**

School staff should always try to avoid acting in a way that might cause injury, but the law recognises that, in extreme cases, it may not always be possible to avoid injuring the pupil. The kinds of situation include:

- removing disruptive children from the classroom where they have refused to follow an instruction to leave;
- preventing a pupil behaving in a way that disrupts a school event or a school trip or visit;
- preventing a pupil leaving the classroom to keep them safe;
- preventing a pupil from attacking a member of staff or another pupil;
- restraining a pupil at risk of harming themselves through physical outbursts;
- Preventing a pupil from putting themselves or another pupil at risk

Those exercising the power to use force must also take account of 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 objects prohibited by law, including illegal drugs, stolen goods, alcohol and knives. However, force cannot be used to search for items only banned under the school rules. Schools are strongly advised not to search such pupils where resistance is likely but to call the police.

It is always unlawful and unethical to use or to threaten to use force as a punishment and such an act would fall within the definition of corporal punishment.

Physical intervention can take several forms and may involve staff:

- Physically interposing between pupils
- Blocking a pupil's path
- Holding using appropriate Team Teach holds with another adult present
- Pushing or Pulling a pupil away from a danger
- Leading a pupil by the hand, arm or shoulder
- Shepherding a pupil away by placing a hand around their shoulders
- In extreme circumstances using more restrictive holds that usually involve 2 adults

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.

Minimising the use of force:

At Shefford Lower School, supportive and purposeful learning environment is created by enabling all children to feel safe, secure and happy in their learning. This is achieved by whole school expectations, a values curriculum and rewards and praise. Expectations are made explicit to pupils so boundaries are understood.

Poor behaviour is escalated when children perceive the adult is inconsistent or losing control. This could be 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 and selflessly. 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.

Sheffield Lower is a 'Values School'. Staff role model the values in their interactions with each other, with children and through their own conduct. The PHSE curriculum is delivered to all pupils and additional PHSE resources are used with specific pupils/ groups to meet specific needs. Positive behaviour is elicited through praise and encouragement.

De-escalation strategies are used to reduce or avoid the need to use force and pupils who have an identified behavioural need have a **Consistent Behaviour Plan** and **Risk Assessment** (reviewed termly with staff and parents) in place to support staff in de-escalating behaviour before the need for reasonable force. Where the use of force is anticipated to be a possibility (when low level signs are evident in the child's behaviour), advice and strategies within the consistent behaviour plan are applied; usually by a familiar trusted adult named within the plan. Advice may also be sought from external agencies such as Jigsaw which informs the plans. It is not always possible to anticipate that reasonable force will be necessary, for example when there is a very sudden change or deterioration in behaviour. 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.

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 so that I can keep you safe. 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.

Do:

- Summon help immediately. A pupil can be sent to get another adult.
- Ensure a free passage of air through airways
- Be aware of any feelings of anger
- Continue to talk to the pupil in a calm way
- Provide a soft surface if possible
- Be aware of any accessories worn by you or the pupil that could cause injury
- Monitor the pupil's respiration, circulation and state of consciousness
- Be aware of any additional needs
- Use de-escalation strategies such as change of face and only use reasonable force if absolutely necessary
- Cause the minimum level of restriction of movement
- Reduce the danger of any accidental injury
- Cease the restraint if there are any signs of physical distress in the pupil such as sudden change in colour, difficulty breathing or vomiting

Don't:

- Try to manage on your own
- Stop talking, even if the pupil does not reply (unless they have a specific need)
- Straddle the pupil
- Push their arms up their back
- Touch the pupil near the throat or head
- Put pressure on joints or on arterial pressure points (inside of upper arm, groin, neck)
- Use any facedown holds
- Do anything which deliberately inflicts pain on the pupil

- Restrict the pupil's breathing in any way
- Have any contact with any private areas of the body
- Restrain the pupil by locking them in a room

TEAM TEACH trained staff

A list of TEAM TEACH trained staff is displayed in the staffroom and office. 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. Any member of staff can use reasonable force to keep a child safe and staff should not wait for a Team Teach trained member of staff if there is an imminent risk of harm.

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' and a copy of this policy. A number of staff across the school are 'Team Teach' qualified and trained in the appropriate de-escalation strategies and physical holds which can be use with children when implementing reasonable force. All staff are given annual training which includes de-escalation strategies, a review of pupils with consistent behaviour plans and risk assessments, basic advice on physical intervention.

Recording incidents:

Any incidents requiring physical intervention/ the use of force should be reported to the Headteacher immediately. Such incidents should be recorded on CPoms 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. Parents should be notified (by telephone) by a member of SLT the same day (preferably before then end of the day) that reasonable force has been used.

Post incident support:

A member of the Vulnerable Pupil Team will spend time with the child after the incident talking through the incident and supporting de-escalation, before the child is expected to return to class. This will take place in an appropriate space in school, for example the Home Room. The team member may create an opportunity for reconciliation between the child and another pupil or member of staff if necessary.

Incidents are followed-up by the Headteacher/ Deputy Headteacher in conversation with the member of staff, pupil and parent. Within this conversation the situation will be reviewed, adjustments agreed and support offered (with possible adjustments to the child's consistent behaviour plan and risk assessment). 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 and before the child returns home. The conversation will be documented on CPOMs and the parents will be invited to come and discuss the incident. The

Consistent Behaviour Plan will be discussed (or a new one drawn up) and amendments made if necessary and will be signed by staff, pupil and parents.

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.

Monitoring

The Headteacher, Deputy Headteacher and SENCo monitor the implementation of this policy. The Governing body ensures the policy is fit for purpose through visits to the school and regular meetings between the named governors for SEND and the SENDCo. This policy will be reviewed every 3 years when new guidance is issued. The senior management team will review incidents, risks involved and actions taken at least termly. The Vulnerable Pupil Team (Family support worker, SENDCo, Deputy Head teacher and Assistant Headteacher) will monitor the support in place for pupils with behavioural needs on a half termly basis.